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July 23, 1990

URBAN/MUNICIPAL

AGENDA OF THE LOCAL ARCHITECTURAL
CONSERVATION ADVISORY
COMMITTEE

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URBAN/MUNICIPAL
1990



J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

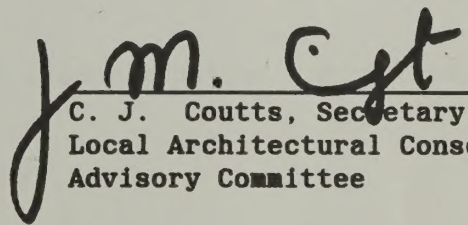
TEL: 546-2700
FAX: 546-2095

July 17, 1990

NOTICE OF MEETING

Local Architectural Conservation Advisory Committee

Monday, 1990 July 23
12:00 o'clock noon
Room 219, City Hall


C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

A G E N D A

1. Minutes of the meeting held 1990 June 25
2. Designations:
 - a) 988 Concession Street - Research Sub-Committee Recommendation (available at meeting)
3. Restoration, Re-Use, Redevelopment
 - a) Strathcona Fire Station - Update (no copy)
 - b) St. Mark's Anglican Church - Update
 - (i) Memorandum: Zoning Application 89-81 for Property Located at 130 Bay Street South (1989 December 18)
 - (ii) Chronology of LACAC's Role
 - c) 65 Markland Street - Demolition and De-Designation
 - (i) Repeal of Designation By-law
 - (ii) Spectator Article, 1990 June 29
 - d) Bank of Montreal - Update (no copy)
 - e) Pigott Lobby Windows - Update (no copy)
 - f) 74 Charlton Avenue East - Update (no copy)
 - g) Main Post Office Building - Update (Spectator Article, 1990 June 27)

ACTION

4. Sub-Committee Reports

- a) Research Sub-Committee - Minutes of Meeting held 1990 May 23
(available at meeting)

5. Special Projects

- a) Proposed Changes to the Ontario Heritage Act - For Discussion
 - (i) Summary of the Major Changes Proposed for the Ontario Heritage Act
 - (ii) "Towards New Heritage Legislation for Ontario: Proposals for Legislation"

- b) Joint Plaquing Sub-Committee (Recommendation tabled from previous meeting)
- c) Lister Block - Update (no copy)

6. Heritage Conservation Districts

- a) MacNab-Charles - Update (no copy)
- b) St. Clair Boulevard - Update (no copy)
- c) Durand South (background information available at meeting)

7. Information Items

- a) Experience 1990 - Application for Summer Students Rejected
- b) Art in Public Places Steering Committee
 - (i) Minutes of Meeting held 1990 June 22
 - (ii) Mission Statement and Principles
- c) Proposed Regional Headquarters - Spectator Article (1990 July 10)
- d) Century Theatre - Site Visit, 1990 July 12 (no copy)

8. Other Business

9. Adjournment

CTION

Monday, 1990 June 25
12:00 o'clock noon
Room 219, City Hall

1

The Local Architectural Conservation Advisory Committee met.

There were present: Mrs. D. Dent, Chairman
Mr. R. Wheeler, Vice-Chairman
Alderman W. McCulloch
Mr. B. Henley
Mr. R. Brough
Mr. R. Rankin
Mrs. J. Rigby

Attendance

Regrets: Alderman J. Smith
Mrs. G. Simmons
Mr. J. Mokrycke

Also present: Mrs. N. Chapple, Planning Department
Ms. A. Gillespie, Planning Department
Ms. M. Forget, Planning Department
Mr. G. Whitehouse, Planning Department
Mr. V. Matus, Planning Department
Mr. J. Robinson, Community Development Department
Mr. R. Elman, Durand Neighbourhood Association
Miss C. Coutts, Secretary

At the onset of the meeting a video tape of a recent interview by Cable 14 with respect to the Tivoli Theatre was shown.

Video tape re Tivoli Theatre

The minutes of the meeting held 1990 April 30 were adopted as circulated.

Minutes adopted

The Committee at its last meeting asked that a Field Assessment be prepared by the Building Department with respect to the cost estimates for the restoration of 74 Charlton Avenue East as prepared by Tri-King Construction Limited. In response to LACAC's request for comments on these cost estimates the Committee was in receipt of a letter dated 1990 June 18 from the Building Commissioner. After considerable discussion the Committee approved the following recommendation:

Field Assessment re 74
Charlton Avenue East

That the letter from the Building Commissioner dated 1990 June 18 respecting 74 Charlton Avenue East be referred to the Research Sub-Committee for comment.

The Committee was informed that the Planning and Development Committee at its meeting held 1990 June 21 approved the "Intent to Designate" the Tivoli Theatre as a building of Historical and/or Architectural Significance. The reactivation of this designation recommendation is a direct result of Mr. Sam Sniderman's request to have the Tivoli Theatre designated.

"Intent to Designate" -
Tivoli Theatre

Mrs. Nina Chapple, Planning Department, reported that Mr. Sniderman is very excited about the designation process. Mrs. Chapple further added that great finds have been made in research material for the Tivoli Theatre and the same have been forwarded to Mr. Sniderman.

Mrs. Diane Dent indicated that Mr. Sniderman also indicated an interest in receiving photographs and information on the Lister Block. Staff were requested to forward this information to Mr. Sniderman as soon as possible.

Information and Photographs
on Lister Block

Discussion ensued on the relocation of the Strathcona Firehall and the Committee was informed that the Parks and Recreation Committee at its last meeting denied the request to move the firehall to a temporary site in Victoria Park because the Committee felt that it would be too costly. The Committee was further informed that the Hamilton Historical Board endorsed the preservation of the firehall yet did not support its use as a municipally owned and operated museum. Mr. Brian Henley added that the Strathcona Firehall Action Committee in response to the Strathcona Firehall Report dated 1990 June 7 as prepared by the Culture and Recreation Department went on record as supporting the proposed

Relocation of Strathcona
Firehall - Request to Move
the Firehall Denied.

The Local Architectural Conservation
Advisory Committee

1990 June 25

65 Markland Street -
demolition

use as a heritage centre. The Chairperson will contact Mr. Murray Aikman, Chairman of the Strathcona Firehall Action Committee, to meet with Ward 1 Aldermen and representatives of LACAC to discuss the status of this project.

The Committee was informed that demolition is presently underway at 65 Markland Street. Alderman McCulloch commented that City Council did everything legally possible to save this building. After further discussion, the Committee approved the following recommendation:

That the City Solicitor's Department be requested to prepare a full report on the legal ramifications of possible removal of a Registered Plan of Sub-division and Lots of Record.

OMB Hearing for St. Mark's
Anglican Church

As an added item, the Committee was informed that the O.M.B. hearing for St. Mark's Anglican Church will be held on 1990 August 27. Mrs. D. Dent, Chairman, suggested that the Committee contact Chancellor Robert Welsh to request that funding not be spent for on lawyers' fees for this project.

Mr. Russell Elman, Durand Neighbourhood Association, questioned whether LACAC members would be present at this hearing and it was suggested that a representative of the City Solicitor's Department be invited to the next meeting to determine LACAC's role, if any, at this O.M.B. hearing.

Zoning Change for St.
Mark's Anglican Church

The Secretary was requested to obtain a copy of the petition submitted to the Planning and Development Committee by concerned citizens with respect to the change in zoning for St. Mark's Anglican Church.

Minutes - Research Sub-
Committee

The Minutes of the Research Sub-Committee meeting held 1990 April 25 were received as circulated.

Proposal for Legislation
Changes - Ontario Heritage
Policy Review

The Committee was in receipt of a proposal for legislation changes as part of the Ontario Heritage Policy Review by the Ministry of Culture and Communications to confirm the framework for developing a new heritage statute for Ontario and to put forward a comprehensive package of specific proposals for review. Mrs. Nina Chapple, Planning Department, summarized the proposed legislation changes and asked that all committee members submit written and/or verbal comments to her by 1990 July 10 so that these changes can be discussed at the next meeting and subsequently forwarded to the Ministry of Culture and Communications.

The Committee was informed that the Research Sub-Committee will be discussing these proposed legislation changes at its next meeting, and the Secretary was requested to forward a Notice of Meeting to all Committee members to give them the opportunity to attend this meeting to express their concerns and/or comments with respect to this proposed legislation.

Review of Preserving
Ontario's Architecture
Program re funding issues.

Mr. R. Brough, Chairman of the Research Sub-Committee, presented comments on the Review of Preserving Ontario's Architecture Program with respect to funding issues. The Committee agreed to forward the following comments to the Preserving Ontario's Architecture Program through the Ministry of Culture and Communications and the Consulting firm of Price Waterhouse:

- a) That funding types and funding levels be increased; and,
- b) That the funding program be made permanent; and,
- c) That review of the funding programs be assessed in terms of the proposed changes to the Ontario Heritage Act.

**The Local Architectural Conservation
Advisory Committee**

1990 June 25

Mrs. Nina Chapple presented a verbal status report on the "Portico to the Nineties" LACAC Conference held from 1990 June 6 - 8 at the University of Guelph. Mrs. Chapple reported that most of the LACACs represented at the Conference were in favour of the creation of a provincial LACAC organization. With the creation of a provincial LACAC organization, the Province will be broken down into the following seven (7) districts:

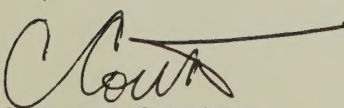
- a) Northern Ontario (Rainy River, Thunder Bay, Cochrane, Sudbury, Timiskaming, Algoma, Manitoulin)
- b) North Central Ontario (Parry Sound, Nipissing, Muskoka, Haliburton, Renfrew)
- c) Eastern Ontario (Leeds & Grenville, Prescott & Russell, Stormont, Dundas, Glengarry, Ottawa-Carleton, Lanark)
- d) East Central Ontario (Peterborough, Victoria, Northumberland, Prince Edward, Hastings, Lennox & Addington, Frontenac)
- e) Golden Horseshoe (Niagara, Peel, Halton, Hamilton-Wentworth, York, Durham, Metropolitan Toronto)
- f) Central Ontario (Waterloo, Perth, Wellington, Bruce, Huron, Grey, Simcoe, Dufferin)
- g) South Western Ontario (Kent, Essex, Lambton, Middlesex, Elgin, Oxford, Brant, Haldimand-Norfolk)

Mrs. Chapple further stated that at the Guelph Conference, it was noted that the Town of Perth offers tax rebates for heritage properties. Mrs. Chapple will contact the Town of Perth to receive further information with respect to this matter.

The Committee was in receipt of a memorandum dated 1990 June 18 from the Secretary of the Hamilton Historical Board respecting a Joint Plaquing Sub-Committee between LACAC and the Hamilton Historical Board. Committee members were reminded that Mr. Brian Henley has already been appointed to represent LACAC on this Joint Plaquing Sub-Committee, however, the Hamilton Historical Board is requesting that an additional LACAC member be appointed. The Committee agreed to review this matter at a later date pending staff comments on the guidelines as prepared by the Hamilton Historical Board. Mrs. Chapple will review the membership, report mechanisms, recommendations and guidelines as prepared by the Hamilton Historical Board for the next meeting. An additional representative will be appointed at that time.

There being no further business, the meeting then adjourned.

Taken as read and approved


C.J. Coutts, Secretary

**Mrs. Diane Dent, Chairman
Local Architectural Conservation
Advisory Committee**

"Portico to the Nineties"
LACAC Conference

Joint Plaquing Sub-Committee

Adjournment

THE UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C.

REPORT OF THE
COMMISSIONER OF THE GENERAL LAND OFFICE
ON THE
LANDS BELONGING TO THE UNITED STATES
IN THE
STATE OF CALIFORNIA

FOR THE YEAR
ENDING
JUNE 30, 1890

PREPARED BY
J. M. SMITH, COMMISSIONER

AND
PUBLISHED BY
THE UNITED STATES GOVERNMENT

WASHINGTON, D. C.

1891

FOR SALE BY THE
UNITED STATES GOVERNMENT

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3 b(i)

F O R I N F O R M A T I O N

DATE: July 16, 1990

SUBJECT: St. Mark's Anglican Church, 130 Bay Street South -
Scheduled OMB Hearing

The Ontario Municipal Board Hearing for the appeal by the prospective owner, St. Mark's Non-Profit Housing Inc., of Council's decision to deny the Zoning Application (89-91) to permit the proposed non-profit housing development is scheduled to take place from August 27th to 31st. See attached memo (Dec. 18, 1989) describing proposal and giving reasons for Council's denial of zoning application.

See also attached chronology of LACAC's role.

Corporation of the City of Hamilton
Memorandum

TO:	Mr. A. Georgieff Director of Local Planning	YOUR FILE:
FROM:	Mrs. Susan K. Reeder, Secretary Planning and Development Committee	OUR FILE: PHONE:
SUBJECT:	Zoning Application 89-81 for Property Located at 130 Bay Street South <u>(St. Marks Anglican Church)</u>	DATE: 1989 December 18

Please be advised that Hamilton City Council at its meeting held Tuesday, 1989 December 12th APPROVED Section 19 of the TWENTY-EIGHTH Report for 1989 of the Planning and Development Committee as follows:

19. That Zoning Application 89-81, St. Marks (Hamilton) Non-Profit Housing Inc. prospective owner, requesting a modification to the established "E-3" (High Density Multiple Dwellings) District regulations, to permit a 10 storey, 48 unit non-profit apartment building, and conversion of part of the existing church building to office use for the Anglican Church-Niagara Diocese, and part for a chapel for property located at 130 Bay Street South, as shown on the attached map marked as Appendix "F" be DENIED for the following reasons:

- (a) The proposal does not comply with the intent of the Official Plan in that the scale, density and bulk of development would be incompatible with the established character of development in this area. Furthermore, the office component cannot be considered as a permitted use within the Residential designation, because it does not primarily depend upon pedestrian access, nor does it serve the needs of the immediate neighbourhood.
- (b) The proposal does not comply with the intent of the approved Durand Neighbourhood Plan which designates the site for "Civic and Institutional" use.
- (c) The proposal conflicts with the intent of the Central Area Plan (O.P.A. 66) which encourages the location of commercial offices in the Downtown Core.

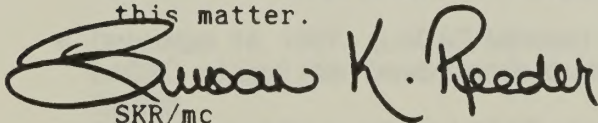
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PLANNING & DEVELOPMENT

JUN 23 1990

REGIONAL PLANNING
HAMILTON, ONTARIO

- (d) The proposal represents an over-intensification of use, in that the proposed floor area ratio (3.77 or 5 318.0m²) is approximately 2.2 x greater than what is permitted under the established "E-3" District zoning (1.7 or 2 394.45m²). In addition, the required variances for yards, landscaping, etc. are further indications of over-intensification.
- (e) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan, Neighbourhood Plan and Zoning By-law; and
- (f) It would result in only partial preservation of a listed building of architectural and historical interest.

Would you please ensure that the appropriate action is taken with respect to this matter.



SKR/mc
Attachment

- c.c.'s. - Mr. P. Hooker, Acting City Solicitor
 Attention: Ms. L. Lawrence
 - Mr. L. King, Building Commissioner
 Attention: Ms. D. Miscione
 - Mr. D. W. Vyce, Director of Property
 - Mr. M. Main, Director of Traffic Services

3b ii

Chronology - St. Mark's Church - LACAC's Role

1. September 10, 1987 -(LACAC Agenda)
Recommendation for permission to view the interior of the church.
2. September 10, 1987 - (LACAC Minutes)
Discussion of future use of the site.
Correspondence sent to Sister Bennedetta for permission to view inside of church.
3. October 29, 1987 - LACAC Members toured St. Mark's Anglican Church.
4. November 5, 1987 - (LACAC Minutes)
LACAC recommendation for staff to research possibility for designation.
5. November 19, 1987 - (Research Sub-Committee)
Recommendation for eligibility for designation.
6. December 14, 1987 - (LACAC Minutes)
LACAC advised that Trevor-Garwood-Jones is proceeding with a feasibility study on St. Mark's Church.
Sister Bennedetta to advise LACAC of progress of study in January 1988.
7. March 14, 1988 - (LACAC Minutes)
LACAC informed by a representative of the Planning Department of recommendations on Zoning of church and school properties.
The Committee recommended designation of St. Mark's Anglican Church.
8. April 8, 1988 - (LACAC Agenda)
Recommendation that City Council approve the Intent To Designate St. Mark's Anglican Church under the Ontario Heritage Act.
9. April 8, 1988 - (LACAC Minutes)
LACAC agreed that St. Mark's Anglican Church is worthy of designation and approved the recommendation to City Council to approve the Intent To Designate under the Ontario Heritage Act.
10. May 16, 1988 - (LACAC Minutes)
Reasons for Designation were circulated.
LACAC agreed to table item until Mr. Heming and Mr. Duncan could attend next LACAC meeting.
11. June 22, 1988 - (LACAC Minutes)
LACAC informed that neither Mr. Heming nor Mr. Duncan were interested in attending a LACAC meeting about possible designation of St. Mark's Anglican Church.
LACAC Chair, Mrs. Diane Dent to meet with members of the Cathedral Council to discuss alternatives to demolition.
12. July 25, 1988 - (LACAC Minutes)
LACAC tabled item until meeting can be set up with Durand Neighbourhood Association, Planning Department, LACAC, Aldermen, Sister Bernadetta, Rector's Warden and People's Warden.
13. March 31, 1989 - (LACAC Minutes)
LACAC informed that St. Mark's Anglican Church is considering alternatives to demolition.
14. May 30, 1989 - (LACAC Minutes)
Members of Durand Neighbourhood Association appeared before LACAC to discuss plans for demolition of St. Mark's Anglican church for a new housing project.
Committee informed by Mr. Victor Abraham of the Planning Department that if the church meets zoning by-law requirements, that the City must allow a permit to build on the property.

Action on designation to be tabled until meeting with the Bishop of St. Mark's Anglican Church, members of the Durand Neighbourhood Association, members of LACAC, Central Public School Association, to discuss future of St. Mark's.

15. June 26, 1989 - (LACAC Minutes)

Mr. Victor Abraham of the Planning Department informed LACAC that Planning Department is not in favour of commercial use or increased density of the property unless the owner preserves the building.

16. July 31, 1989 - (LACAC Minutes)

LACAC in receipt of a letter dated July 12 from the Archdeacon Ian Dingwall of St. Mark's Anglican Church respecting plans for Church.

17. October 31, 1989 - (LACAC Minutes)

LACAC in receipt of a report from Director of Culture and Recreation and Director of Local Planning to the Secretary of the Parks and Recreation Committee about the purchase of St. Mark's for a recreation or cultural facility.

LACAC approved a recommendation for a letter to be sent to CAPIC to review the zoning of institutional lands within the central area including St. Mark's.

18. December 6, 1989 - (LACAC Minutes)

LACAC approved the Sub-Committee recommendation to support the proposal for the City to purchase St. Mark's for a cultural and recreational facility.

19. January 30, 1990. - (LACAC Minutes)

LACAC in receipt of a report from the Sub-Committee for the recommendation of a Feasibility Study for St. Mark's church. LACAC approved this recommendation.

3c(i)

F O R I N F O R M A T I O N

DATE: July 16, 1990

SUBJECT: 65 Markland Street - Repeal of Designation By-law

Following the expiry of the 180-day delay of demolition in early June, the demolition of the designated house at 65 Markland Street was commenced and is now virtually complete. (Photographs recording demolition in progress available at meeting.)

In accordance with Sec. 34 (5) (b,c,d,e,f) of the Ontario Heritage Act, once the demolition has been completed, Council shall pass a by-law repealing the designation by-law. The process requires that:

A copy of the repealing by-law be served on the owner and the Ontario Heritage Foundation;

A notice of the repealing by-law be published in a local newspaper (Hamilton Spectator);

Reference to the property be deleted from the municipal Register of designated properties; and

A copy of the repealing by-law be registered against the property.

3c(i)

THE OFFICE OF THE ATTORNEY GENERAL

DATE: July 10, 1950

SUBJECT: Unlawful Use of Public Funds

Following the receipt of the letter of July 10, 1950, from the Honorable Earl Warren, Attorney General of the United States, regarding the alleged use of public funds for the purpose of promoting the activities of the Communist Party, the Department has conducted a thorough investigation. It is respectfully requested that you advise the Department of the results of your investigation.

A copy of the report of the investigation is being furnished to the Department for its information.

A notice of the proposed action is being published in a local newspaper (Herald Tribune).

Reference is made to the report of the investigation and the results of the investigation.

A copy of the report of the investigation is being furnished to the Department for its information.

Heritage watchdog group could have been saved

Young, going gone! Historic home falls

By ERIC MCGUINNESS
The Spectator

HAMILTON IS losing one of its most distinctive Victorian mansions, and the head of the city's heritage watchdog group says it could have been avoided.

Diane Dent, chairman of the Local Architectural Conservation Advisory Committee, believes more legal research would have turned up a way to save the Park-Mewburn house at 65 Markland Street.

"The city doesn't have time to research in depth how to be extremely innovative in using the law to protect our heritage."

— Diane Dent

"The city doesn't have time to research in depth how to be extremely innovative in using the law to protect our heritage," Mrs. Dent said yesterday as wreckers tore down the house that's been at the head of Park Street since 1885.

"I feel there was a solution, but it was not found in time because there was no one to hire a lawyer outside city hall with time to do the research."

Mrs. Dent says proposed changes to the Ontario Heritage Act might help protect such buildings, but only with the support of a city council she thinks is more concerned with promoting development.

"Most people care about their heritage, but I feel personally that many, many council members have a conflict of interest because they are employed in the devel-

opment industry or a branch of it and they don't look at the long-term, only at short-term gain."

Pressure to tear down the house on Markland built last year after the owner discovered it occupied four separate lots at the corner

of Markland Street and Chilton Place.

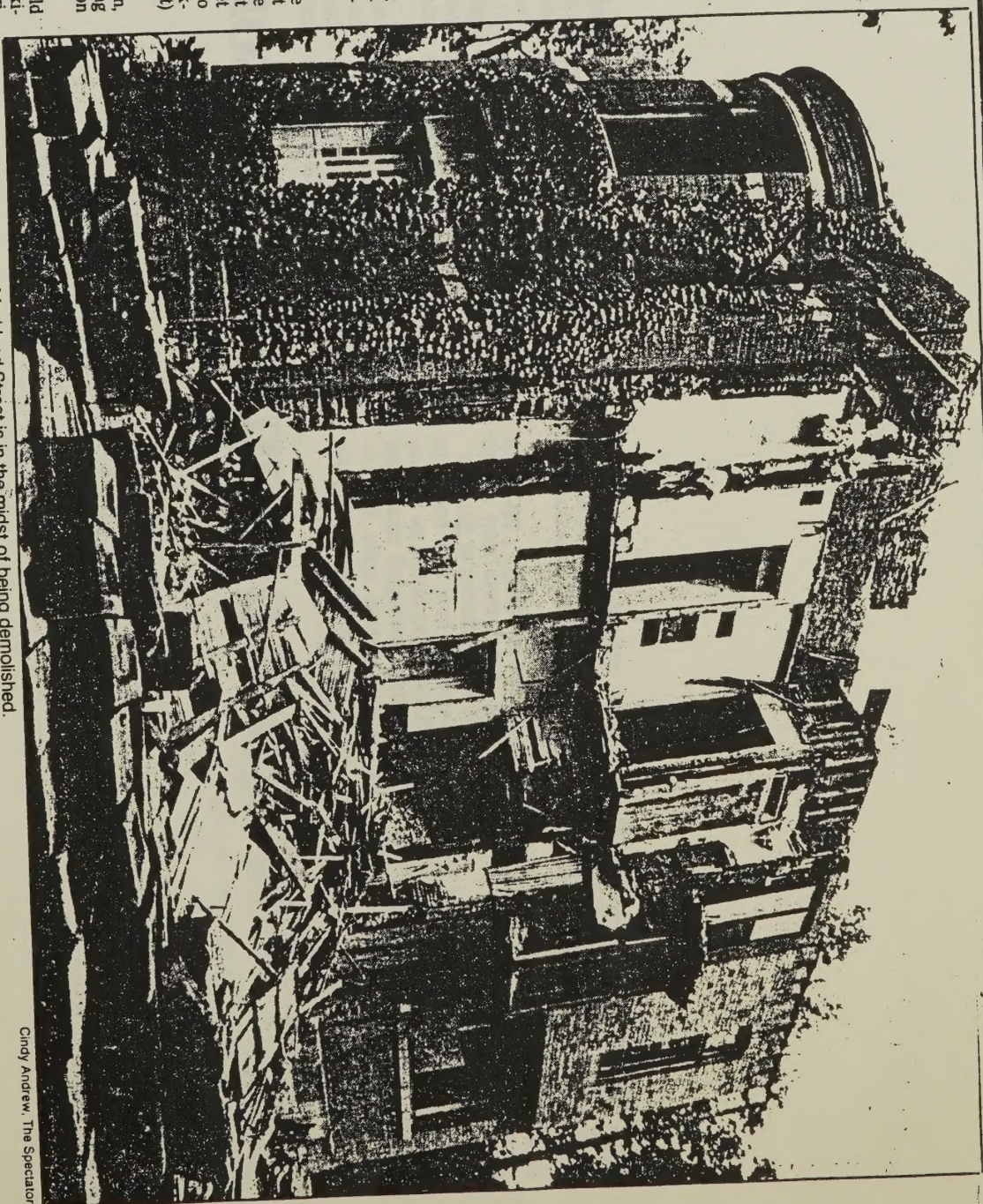
Hamilton lawyer Paul Mazza put a house on one lot beside the mansion, and Burlington developer James Budge applied to put another at the rear, but couldn't get approval to leave the old house with a backyard only four metres (14 feet) deep.

By tearing down the mansion, Mr. Budge obtains two building lots on Markland and one on Chilton.

City officials said they could only stall for six months, the maximum time allowed under the heritage act, and demand that plans for two new homes be filed before issuing a demolition permit.

Former alderman Reg Wheeler, a LACAC member, says the four lots created more than a century ago should have become one when the mansion was built. He wants the city solicitor to investigate eliminating other such "lots of record."

"I'm very disappointed to see



The Park-Mewburn house on Markland Street is in the midst of being demolished.

that house go," he said yesterday. "It's just a shame — they'll never put up places like that again, with slate roofs, towers and window sills of heavy stone."

LACAC describes the 2½-storey brick mansion as the Park-Mewburn house after its first two owners, both leading citizens of their time.

An early and grand-scaled example of the popular Queen Anne style, it had a steep, slate roof with tall, decorative chimneys and a square tower with a pyramid-shaped top.

It was built in 1884-85 for John H. Park, partner in a wholesale grocery firm that did business from Toronto to Vancouver, oper-

ating from the big, stone building on MacNab Street North now occupied by the Coppley Apparel Group.

Sydney Chilton Mewburn, who bought the house in 1914, was prominent in legal, financial, political and military affairs.

He headed the Canadian militia

during the First World War, served several terms as Hamilton East MP and was defence minister from 1917 to 1920.

Mr. Mewburn, married to a daughter of London brewer John Labatt, was a vice-president of the Bank of Montreal and director of many companies, including Royal Trust, Mutual Life, John Labatt Ltd. and the Steel Co. of Canada.

Cindy Andrew, The Spectator

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Historic home falls again, going down

It is a sad sight to see a historic home, one of the many that have been built in the city of Chicago, falling apart. The home, which was built in the 1800s, is now in a state of disrepair. The roof is missing, and the walls are crumbling. The home is surrounded by a large pile of debris, and the street in front of it is blocked off. The city of Chicago is now faced with the task of restoring the home to its former glory. The city has hired a team of experts to assess the damage and to develop a plan for the restoration. The plan calls for the removal of the debris, the repair of the roof and walls, and the restoration of the interior. The city hopes to have the home open to the public again in the near future.



The historic home, which was built in the 1800s, is now in a state of disrepair. The roof is missing, and the walls are crumbling. The home is surrounded by a large pile of debris, and the street in front of it is blocked off. The city of Chicago is now faced with the task of restoring the home to its former glory. The city has hired a team of experts to assess the damage and to develop a plan for the restoration. The plan calls for the removal of the debris, the repair of the roof and walls, and the restoration of the interior. The city hopes to have the home open to the public again in the near future.

SPECTATOR - JUNE 27/90.

Main post office building will be courthouse

By EMILIA CASELLA
The Spectator

TORONTO — The Ontario government has sealed a \$6.7-million deal to buy Hamilton's main post office for use as a new provincial court building.

Closing date on the sale of the six-storey building at 10 John Street South is March 29, 1991.

The new criminal courts won't likely open until 1993, said Dan Rath, assistant to Government

Services Minister Chris Ward.

Parts of the building will be renovated to house other government offices, including ministries and agencies that might be moved to Hamilton as part of a policy to move some offices out of Toronto.

"That is certainly well within the realm of possibility," Mr. Rath said.

The move, long a recommendation of the local legal community, was first announced March 19.

Since then the province has been working out the details with Canada Post Corporation.

The location of provincial court in Effort Square on Main Street East was criticized as "a complete disgrace" in an inspectors' report released last month.

The courts are overcrowded and a security risk and there are suspected fire code violations, according to the report, which chastised the lack of action to im-

prove the conditions. Previous reports have outlined similar problems and health and safety concerns at the court.

Starting next month, the government services ministry will conduct detailed inspections and testing of the post office building.

Consultants will also start working on the final design and budget for renovations to the 12,000-square-metre (130,000-square-foot) building.

39

5a

F O R D I S C U S S I O N

DATE: JuLY 13, 1990

SUBJECT: Proposed Changes to the Ontario Heritage Act

A synopsis of these proposed changes with commentary is provided for the purpose of reviewing and providing comment to staff of the Ministry of Culture and Communications on the new proposals. Comments are due by July 31st.

BACKGROUND:

1. The Ministry of Culture and Communications, through its Heritage Policy Review Section, has circulated the attached report "Proposals for Legislation" to the Ontario Heritage Act in order to provide information to the public before these general proposals are submitted to Cabinet.
2. The proposals at this stage are still general in nature; it is expected that details of implementation will be formulated at the time when the legislation is prepared.
3. Staff will be forwarding comments to the Heritage Policy Review Section and would like to incorporate any additional comments from the Committee.

Summary of the Major Changes Propose for the Ontario Heritage Act

5a(i)

INTRODUCTION

The attached publication, "**Proposals for Legislation**", provides a thorough, systematic review of the changes proposed for the new Ontario Heritage Act. Prepared by the Ontario Heritage Policy Review Section of the Ministry of Culture and Communications, the report charts new initiatives in terms of increased roles for the Province and Municipalities.

Responding to the growing interest in the quality of our environment, both natural and man-made, the new Act would result in broadening the heritage mandate in Ontario and strengthening regulations.

The following synopsis is intended to highlight changes which would have the greatest impact on the work of LACAC; page references are given to the Ministry's report, which should be consulted for a complete presentation of the material. New initiatives include:

1. Greater Protection--Designated buildings would require a permit from Council for demolition.
2. Broadening--Natural or scenic sites, heritage trail or corridor and immediate settings of a heritage building would be eligible for designation.
3. Additional Level of Recognition--A Municipal Register of Heritage Places would be established, providing a 60-day temporary control for registered heritage properties.
4. Greater Integration into Planning Process--The Municipality could require a heritage impact statement as part of a development proposal in specified cases.
5. Expanded Definition of Heritage--The Ontario Heritage Act will expand its mandate to cover, in addition to real property, "movable" heritage (artifacts, documents) and "intangible" heritage (traditional skills and beliefs).
6. New Name and Expanded Role for LACAC--LACAC would be known as the Municipal Heritage Board and could extend its activities to include promotional and marketing initiatives; fundraising; managing heritage properties; establishing property trusts, etc.

7. Expanded Role for the Province--The Province could establish a Register and designate provincially significant buildings which are endangered.
8. Incentives for Heritage Conservation--Municipalities could provide new incentives such as property tax rebates for designated properties.

The following sections present the above proposals in greater detail.

1. Greater Protection of Designated Buildings at the Municipal Level

Buildings designated by the local Council would require a permit from the municipality for the demolition of or alteration to the designated property. (C23)

Where Council has refused a request for demolition or alteration, the property owner would be able to appeal the matter to a Tribunal for a hearing and decision. (C23)

(It is suggested that this tribunal consist of an enhanced role for either the Conservation Review Board or the Ontario Municipal Board.) (C14)

Comment:

The above proposal would allow a municipality to have far greater control over the loss of its locally designated properties than the 180-day delay of demolition now provided by the Ontario Heritage Act.

2. Broadening of the Definition of Heritage Properties Eligible for Designation

The municipality will now be able to designate those heritage properties which are entered on the Heritage Register and which meet locally defined criteria. (23)

Eligible for inclusion on this new Register of Heritage Places would be "any real property of heritage interest, whether of historical, architectural, archaeological, natural or scenic significance". Such property could comprise or include:

- . a single property
- . a heritage trail or corridor
- . heritage districts or areas
- . properties important to the immediate setting or context of a heritage site. (C21)

Comment:

This recommendation would address the issues raised by LACAC on a number of occasions re: the eligibility for designation of such properties as natural sites, parks or scenic areas.

Also eligible for designation at the local level would be properties owned by the Province. Implications of designation are that the Province would have to consult with the municipality re: proposed alterations but municipal controls would not be binding. (C25)

Comment:

This proposal provides a legal basis for the designation of such properties as the Unified Family Court.

3. Additional Level of Recognition through a Municipal Register of Heritage Places and the Provision of a Temporary Control

The Municipal Register of Heritage Places (see # 2) would constitute the first tier of a two-tier designation system and would provide a very temporary protection (60 days) to the heritage features of a registered property. (C21)

The reason for establishing a two-tiered system is two-fold: one, to provide an immediate temporary protection and second, to advise the owner that his property may be eligible for designation at some future time.

Comment:

Problems may arise re: whether a Municipal Register could be current enough to include all properties that LACAC would like to recommend at a future date for designation and, in the case of an endangered property, how lengthy the procedure would be for adding properties to the Register.

4. Greater Integration of Heritage Conservation into the Planning Process

Municipalities should be able to require that a development proponent provide a heritage impact statement in situations where the development might adversely affect a registered or designated heritage property or a property under statutory protection (archaeological or paleontological sites). Temporary protection would be automatic. (C24)

Guidelines/standards for these assessments would be established. As in the environmental assessment programs, this procedure would transfer the burden of assessment to the proponent. Implementation would fit into the established development approvals system. (C24)

The Ontario Heritage Act should signal that, where appropriate and in accordance with Planning Act procedures, heritage objectives and policies relating to land use planning may be included in the official plan of the municipality. (C16)

Provincial policy statements regarding heritage conservation (now being developed) would be incorporated into the Planning Act. (C16)

Comment:

The growing emphasis on the quality of the built environment as well as the rising concern for sustainable development bring into mainstream planning such issues as heritage conservation and urban design. These proposals recognize and address this new orientation.

5. Expanded Definition of Heritage

The new definition of heritage is to be expanded to include the following:

immovable heritage--buildings, areas, natural sites
(that are "fixed" in a specific location)

movable heritage--artifacts and documents (that are easily detachable)

intangible heritage--traditional skills and beliefs

(For further explanation, see Appendix B of "Proposals for Legislation".)

Comment:

This broadening of the Ontario Heritage Act's mandate will address some of the issues which LACAC's have faced, the most controversial of which was the destruction of original documents land deeds dating post-1867 movable heritage.

6. New Name and Expanded Role for LACAC

Given the expansion of the heritage mandate, the new name proposed for LACAC is **Municipal Heritage Board**. (C17)

The legislative proposals make reference to (1) the current duties which LACAC's have already taken on in order to implement the Ontario Heritage Act, and (2) the new duties which could be assigned because of the expansion of their mandate.

The mandate of the Municipal Heritage Board (M.H.R.) would be to advise and assist Council on all matters relating to the legislation including:

- development of municipal heritage objectives and policies, including official plan provisions, related to the conservation of the heritage of the municipality (C17);
- adoption and operation of specific measures to identify, protect, interpret and use significant heritage resources (C17);
- promotion of heritage and importance of conservation (C18);
- ensuring public participation (C18);

and in order to carry out its responsibilities the M.H.B. may undertake the following:

- inventories, research, criteria for evaluating heritage, education programs, promotional and marketing initiatives, fundraising activity (C18);

and Council would be able to confer on the Municipal Heritage Board any of the following functions:

- administer grant or loan programs, managing movable heritage objects or collections belonging to the city, managing heritage properties and easements held by municipality, etc. (C19)
- establish, operate and/or support custodial or trust institutions (including museums, archives and property trusts) (C20)

Comment:

It should be pointed out that these proposals are designed to **enable** a municipality to delegate the above duties rather than automatically assign these duties.

The need to expand the LACAC mandate to encompass previously unprotected heritage resources was one of the problems identified in the Heritage Policy Review.

With this expansion, however, comes new responsibilities. Some of these new duties may already be assigned to other groups. In Hamilton, for example, the advisory role for

the museums is delegated to a separate advisory committee, the Hamilton Historical Board, which has proven to be a successful division of responsibility. Also, the administrative aspect of the heritage funding programs is undertaken by the Dept. of Community Development.

Many of the other new responsibilities, however, could result in a substantial demand for increased volunteer assistance and staff resources. The inevitable question arises--who will carry out these new responsibilities? As part of the heritage funding program review, the need for provincial assistance to municipalities for increased local responsibility under the new Ontario Heritage Act should be examined and addressed.

7. Expanded Provincial Role

The proposed legislation would allow the Province to have a greater role in the protection and conservation of the heritage properties by:

-providing general authority for all provincial ministries and agencies to establish policies and programs on heritage conservation (C4);

-enabling the Ministry of Culture and Communications to maintain a Provincial Inventory and a Provincial Register of Heritage Places (C5, C6);

-enabling the Ministry of Culture and Communications to designate a site or area included on the Provincial Register, which are of provincial interest, are at risk and have no adequate protection--alterations and demolition would require approval from Minister (C7); and

-enabling a Provincial Register and designation of movable heritage; and automatic protection of certain archaeological and paleontological sites (C11, C8).

Comment:

The role of the Province as a final authority in the protection of properties of major significance is crucial. It should be pointed out that this is in the form of enabling legislation only.

The pre-requisite for provincial designation--namely, being listed on the Provincial Register--may be unrealistic, as it assumes a complete and up-to-date

Register. This is the same problem as already identified in municipal designation (see #3).

8. Incentives for Heritage Conservation

The proposed legislation would enable the provision of the following financial incentives at both a provincial and municipal level:

Provincial:

-grants, loans, technical assistance, creation and administration of emergency, revolving and other special funds, information services, and agreements for the foregoing;

(sales tax incentive is mentioned as a possible long term approach) (C13)

Municipal:

-financial assistance toward conservation of heritage resources
-rebates on property taxes to owners of designated properties
-establish emergency or revolving funds for heritage conservation purposes
-erect plaques, produce promotional material, undertake educational projects (C26-C27)

Comment:

Financial incentives are recognized as the major catalyst for the protection and restoration of significant heritage properties in private ownership. Property tax rebates to encourage preservation, for example, is a popular incentive used by many western countries. The legislative proposals recommends this and other related initiatives to encourage approved renovations for historic buildings. The Province should investigate a shared role with the municipality on Tax rebates; a federal role should be investigated as well; as in the case of the Edmonton rebate policy.

9. Summary of Comments

1. **The major thrust of the proposed legislation toward strengthening and broadening the present Ontario Heritage Act would be highly beneficial for heritage conservation in the province.**
2. **To achieve widespread support for the new Act with its increase in regulatory power, that a corresponding increase in the economic incentives will be assured with special reference to innovative programs such as tax rebates as well as funding programs.**
3. **Given the expansion of duties at the municipal level, that the Province must recognize the need for and provide support for additional local staffing, particularly in undertaking such critical projects as the Municipal Register of Heritage Places. This new provincial Act would direct a substantial increase of work demands to local communities which are already seriously understaffed in this field.**
4. **A provision for emergency situations and an immediate protection should be included.** Because the proposals recommend that designation is to be restricted to buildings already listed on the Municipal or Provincial Register of Heritage Places, there should be provision for emergency situations when important buildings are endangered but have not been officially registered. (41) In fact, the appreciation and protection of heritage properties is a dynamic field in its own right, where values change over a period of time; a Register could never be considered a complete and static listing.

Prepared by Nina Chapple, June 1990

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**TOWARDS NEW HERITAGE LEGISLATION
FOR ONTARIO**

PROPOSALS FOR LEGISLATION

May 1990

**The Ontario Heritage Policy Review
Ministry of Culture and Communications**

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in Ontario

1. INTRODUCTION

In 1987, as part of its commitment to ensure that policies, legislation, and programs continue to respond to the changing needs of Ontarians, the government launched the Ontario Heritage Policy Review (OHPR). The Review's three objectives were:

- to create a cross-government policy framework for heritage legislation and programs;
- to cultivate wider public appreciation of the importance of our multifaceted provincial heritage; and
- to update the Ontario Heritage Act in light of more than a decade of use and assessment.

The Review involved extensive public consultations. Twenty-six public meetings were held around the province and 250 individuals and groups made written submissions. There were discussions with some thirty-five provincial organizations representing 1,800 local organizations and over 500,000 heritage supporters.

The final report of the Review - *A Strategy for Conserving Ontario's Heritage* - sets out the overall policy context and guiding vision for heritage conservation in the province. It also identifies steps necessary to move forward to address a range of important challenges.

This paper, *Proposals for Legislation*, focuses on needed changes to legislation. Its purpose is two-pronged:

- to confirm the framework for developing a new heritage statute for Ontario; and
- to put forward a comprehensive package of specific proposals for review.

2. THE NEED FOR CHANGE

A. Heritage Legislation in Ontario

Heritage legislation may be defined as any legislation which has as its primary purpose the conservation of heritage features or elements.

By this definition the **Ontario Heritage Act** is by no means the only heritage legislation in Ontario. The **Archives Act** (dating from 1923), the **Historical Parks Act**, the **Conservation Lands Act** and the **Niagara Escarpment Planning and Development Act** all have as their main concern the planning or preservation of aspects of our natural or cultural (human) heritage.

Many other laws have a major impact on heritage resources as a result of a primary focus on other areas, such as environmental protection and land use planning. An inventory of provincial activities relating to heritage yields some 26 pieces of legislation that may have an impact on heritage resources. (See the OHPR's Technical Paper: **1989 Inventory of Heritage-Related Programs and Activities of the Government of Ontario.**)

The history of the present **Ontario Heritage Act** goes back to the 1950s. Responding to the post-war pressure for powers to recognize and protect our historical resources, the provincial government passed the **Archaeological and Historic Sites Protection Act** in 1953.

The Act created a volunteer advisory body known as the **Archaeological and Historic Sites Board**, the direct ancestor of the present **Ontario Heritage Foundation**. The main function of the Board was to educate the public about our history and heritage through the erection of plaques across the province. There was no power to control the demolition or alteration of heritage structures.

By Canada's Centennial Year a new and different kind of body was called for - one which could receive and hold heritage property in the public interest along the lines of the **National Trust** in England. The **Ontario Heritage Foundation** was established under its own Act on June 2, 1967. It was given wide powers to acquire, preserve and restore property of historical, architectural, aesthetic, recreational and scenic interest and to accept donations of real and personal property.

After 1967 ways were needed to harness the growing interest in heritage conservation at the community level. Already certain powers for heritage protection had been requested by some communities. A special Act in 1967 allowed the **City of Toronto** to delay the issuing of demolition permits for designated buildings for a sixty day period. In 1970 the **City of Kingston** received special powers to protect its architectural heritage.

The provincial government's response to these widely expressed concerns was the passage of the present **Ontario Heritage Act** in 1974 (proclaimed in 1975). A precedent-setting piece of Canadian legislation, the Act heralded a new era in the recognition and protection of our heritage. It has given an enormous boost to interest and activity especially with respect to local architectural heritage.

The act's key initiatives were:

- to give primary responsibility for conservation of built heritage to local municipalities, in recognition of the need for community support;
- to assign protection of archaeological resources to provincial authorities, because of limited knowledge and expertise at the time; and
- to amalgamate the former Archaeological and Historic Sites Board with the Ontario Heritage Foundation and give the Foundation a broader mandate and new powers.

The awareness and activity generated by use of the Act also spawned comment on its provisions. Mounting public dissatisfaction with the **Ontario Heritage Act** was one of the major factors behind the Ontario Heritage Policy Review and found a welcome forum in the Review's consultation process.

One striking indication of the inadequacies of the current Act has been the interest of some municipalities in special legislation. In a move reminiscent of the late 1960s, the City of Toronto in 1987 obtained passage of special legislation giving it greater powers to control the demolition of heritage property than the Act presently provides.

B. Public Concerns

The public submissions to the Review contained many specific suggestions for improvement to the **Ontario Heritage Act** and other provincial legislation affecting heritage resources. Together with comments made over many years prior to the Review, this material represents a sizeable and comprehensive commentary on Ontario's heritage legislation. (A list of the major sources of this commentary is found in Appendix A.)

The major criticisms of the **Ontario Heritage Act** may be summarized as follows:

- **The Act represents a narrow, outdated view of heritage.** Many types of heritage resources are not covered or even contemplated by the Act - intangible heritage, natural heritage, historic landscapes.
- **The Act is out of step with trends away from separate approaches to heritage conservation and toward integration with "mainstream" planning processes.** The World Heritage Convention (signed by Canada in 1976) calls on governments to "integrate the protection" of the natural and cultural heritage "into comprehensive planning programs". Ontario took a step in this direction with the 1983 **Planning Act**, which acknowledges heritage conservation as a legitimate consideration in municipal planning activity.
- **The Act does not reflect a clear and comprehensive system of roles for the various players in the heritage field.** The result is gaps and anomalies in responsibility and powers. Particularly problematic is the lack of a consistent, intelligible basis for municipal and provincial roles. For example, there is no clear recognition that the Province has an interest in certain resources of provincial wide importance.
- **The Act provides little opportunity for public participation in conservation planning and decision-making.** Here again the Act's procedures are at odds with current practices with respect to official plans and zoning. For instance, members of the community are not given notice of proposed changes to designated heritage property, nor is there always an opportunity to object to the de-designation of a site.
- **The Act does not provide an adequate mix of regulatory tools and positive inducements for private heritage conservation activity.** A successful heritage conservation strategy must combine and balance these two approaches. While such a strategy is beyond the scope of a single statute, heritage legislation could go much further in providing an up-to-date range of instruments from which to choose.

- **The Act's regulatory processes are cumbersome and provide inadequate safeguards for the interests of property owners.** The designation procedures set out in the Act are often onerous or unclear. The rights of property owners are treated in anomalous fashion from more familiar land use planning procedures. For example, there is no effective right of appeal from decisions on individual property designations or from decisions on alteration proposals.

The limitations of the **Ontario Heritage Act** go beyond the procedural. They call into question some of the basic principles and assumptions of the legislation.

With the increasing pressures and challenges posed by Ontario's rapid social and economic development, the province has outgrown its current statute. As Ontario enters the 1990s, we need new legislation to meet our conservation needs.

3. A RESPONSE FOR THE '90s

A. Principles for Reform

New heritage legislation must be rooted in an overall vision of heritage for the province and must serve our larger conservation objectives. As set out in the Report of the Ontario Heritage Policy Review, **A Strategy for Heritage Conservation in Ontario**, the central goal of our heritage policies must be:

To conserve and develop our heritage, creating opportunities for the participation of all of the people of Ontario.

Based on public input to the Review, several key principles can be identified to guide the development of legislative proposals.

- (1) Our heritage should be recognized as comprising immovable, movable and intangible elements.**

A central finding of the Review is that the way we understand the term "heritage" has changed. We now see our heritage in a more comprehensive and holistic way as: "all that our society values and that survives as living context - both natural and human - from which we derive sustenance, coherence and meaning in our individual and collective lives." This heritage is manifested in a spectrum of inter-related forms - real or immovable property, movable property (objects) and intangible or non-physical heritage. (See the "Categories of Heritage Resources" attached as Appendix B). Legislation should reflect and promote these new meanings by directing attention to all dimensions of Ontario's heritage.

- (2) Heritage conservation should be seen as a comprehensive process of identification, protection, interpretation and use.**

As with the concept of heritage itself, our approach to its conservation has evolved. Beyond the identification and adequate protection of heritage elements, the conservation process must include the interpretation and responsible use of these elements in our everyday activities. (See "The Heritage Conservation Process" in Appendix C attached). Legislation should serve as a vehicle to promote a shared understanding of this process while empowering the various players to take more comprehensive approaches to conservation. At the same time it must recognize that different types of heritage call for different conservation responses (see "Conservation Approaches" attached as Appendix D).

- (3) **Heritage planning and protection should be an integral part of "mainstream" planning and management at all levels.**

Article 5a of the World Heritage Convention (signed by Canada in 1976) calls on nations to "integrate the protection" of their natural and cultural heritage "into comprehensive planning programs." Rather than maintaining separate, anomalous heritage planning and protection processes, the trend is toward integrating heritage protection and development into more comprehensive "mainstream" planning systems. The conservation of immovable heritage or real property, for example, is most desirable addressed using land use and environmental planning and protection approaches. Where distinct heritage mechanisms or procedures are still desirable, these should be modelled on and complement other planning processes.

- (4) **All levels of government should have appropriate and complementary responsibility for heritage conservation.**

Heritage features of importance at a local level may also be significant at a regional, provincial or national level. The various tiers of public authority must have complementary responsibilities for conserving heritage resources of importance and facilitating their conservation by the private sector. (See the summary of public/private "Roles and Responsibilities" attached as Appendix E.) For example, the Province has a particular responsibility for resources of provincial interest or significance.

- (5) **Heritage conservation strategies should encourage broad private sector participation.**

Since the conservation of our heritage is a shared responsibility on the part of all Ontarians, effective conservation approaches will empower and encourage individual and private initiative in both the profit and non-profit sectors. As a means of providing benefits or removing obstacles, legislation has an important role in facilitating this activity.

- (6) **Heritage planning and decision-making should be open and consultative.**

If heritage conservation decisions are to enjoy public understanding and support, members of the community must have the opportunity to participate in heritage planning and protection processes. In the area of immovable heritage (real property), the current land use planning system, with its emphasis on public consultation, can serve as a model for legislative improvement.

- (7) **Heritage conservation strategies should combine and balance regulatory and inducement approaches.**

Heritage designation and other regulatory approaches to immovable heritage (real property) protection must be complemented with financial and other forms of inducements. The objective should be to create not only a fair system of protection but one that encourages heritage investment and development. In order to provide flexibility in addressing heritage issues, legislation should provide clear authority for the application of a wide range of regulatory, financial and other tools for conservation purposes.

- (8) **The heritage conservation process should respect private interests.**

Heritage conservation measures must achieve a fair and effective balance between the objectives of the community and the rights and interests of individual Ontarians. In addition to basic human rights such as freedom of belief and expression, heritage legislation must respect the right to privacy and property interests. Private interests can be protected by ensuring that processes for safeguarding heritage property are clear, comprehensible, and observe the principles of procedural fairness or "due process." For example, legislation should ensure that interested parties are given the opportunity to object to and appeal heritage designation decisions.

B. The Purpose of Heritage Legislation

A new heritage statute will be a primary vehicle both for promoting a common vision of Ontario's heritage and for empowering Ontarians to implement strategies for conserving that heritage.

New legislation, then, should have two main purposes:

1. To promote a broader understanding of the dimensions of Ontario's heritage by:
 - . by affirming its value in Ontario society;
 - . by recognizing the wide spectrum of our tangible and intangible heritage;
 - . by signalling the steps needed to conserve heritage resources.
2. To reflect a clear and comprehensive framework of roles and responsibilities for heritage conservation in Ontario:
 - . with appropriate roles for the provincial and municipal levels;
 - . with opportunity for community involvement in conservation decisions;
 - . through support of private conservation initiative.

4. PROPOSALS FOR LEGISLATION

Proposals for new heritage legislation for Ontario are set out in chart format below.

The proposals are intended to be comprehensive and are organized in four sections: those relating to the definition of heritage and the statement of the legislation's purpose; those relating primarily to the role of the Province; those relating primarily to the role of municipalities; and those concerning enforcement and other provisions.

Since the intent is to focus attention on the more substantive provisions of the statute, the proposals generally do not cover matters of an administrative or ancillary nature - powers of inspection, for example or provisions concerning transition from the old legislation will have to address: technical definitions, notice requirements and other specific procedures. (The development of more detailed procedures, etc. also will draw heavily upon the substantial body of public comment on the existing Act, e.g. concerns about the current requirement that intended designations be published three times in local newspapers.)

Separate legislation governing the Ontario Heritage Foundation (presently mandated under Part II of the **Ontario Heritage Act**) is currently being developed. As a result proposals relating to the OHF are not included here.

For easy reference a list of the proposals follows.

List of Legislative Proposals

I. Definition and Purpose

1. Statutory Definition of Heritage
2. Purpose of Legislation

II. The Provincial Role

3. The Provincial Interest in Heritage Conservation
4. Provincial Inventories of Heritage Resources
5. Provincial Register of Heritage Places
6. Provincial Designation - Heritage Places
7. Statutory Protection
8. Provincial Ownership of Archaeological and Other Objects
9. Archaeological Licensing
10. Provincial Register/Designation- Movable Heritage
11. Provincial Inducements for Heritage Conservation
12. Regulatory Appeal Board
13. Provincial Advisory Bodies

III. The Municipal Role

14. The Municipal Mandate for Heritage Conservation
15. Municipal Heritage Committees - Expanded Role
16. Municipal Museums/Archives/Trusts
17. Municipal Register of Heritage Places
18. Municipal Designation of Heritage Places
19. Heritage Impact Statements
20. Local Involvement in Provincial Heritage Property
21. Municipal Inducements for Private Conservation
22. Municipal Acquisition of Heritage Property

IV. Other Provisions

23. Heritage Easements - Conservation Organizations
24. Enforcement

I. DEFINITIONS AND PURPOSE

ISSUES	PROPOSALS	COMMENTS
1. <u>Statutory Definition of Heritage</u> Current provisions: neither "heritage" nor "conservation" is defined; Act almost exclusively concerned with certain types of real property (architectural, historical, archaeological sites) Many submissions to the Ontario Heritage Policy Review (OHPR) advocated extending the purview of the legislation to types of heritage resources not now included: natural heritage, cultural landscapes and other kinds of immovable (real) property, as well as movable and intangible heritage resources. Providing explicit definitions in heritage legislation and including clear definitions in other relevant legislation, such as the Environmental Assessment Act, would draw attention to the range of heritage resources and conservation activities, promote a common understanding in use of terms, and encourage coherence in the development of ministry/agency policies and guidelines.	1.1 Heritage legislation should embody comprehensive concepts of heritage and heritage conservation. Heritage, understood comprehensively, is "all that our society has valued and that survives as the living context - both natural and human - from which we derive sustenance, coherence and meaning in our individual and collective lives;" heritage conservation is "the process through which elements of Ontario's heritage are identified and mobilized as resources for shaping identity and guiding development." 1.2 The legislation should include specific definitions of heritage and conservation. The definition of heritage should highlight the three broad categories of heritage resources - immovable heritage (or real property), movable heritage (or personal property), and intangible heritage. The definition of heritage conservation should emphasize the three general types of conservation activity: identification, protection, interpretation and use. 1.3 Definition and application provisions in other relevant legislation, such as the Planning and Environment Assessment Acts, should be reviewed over time and amended as appropriate, in order that the full range of heritage resources are considered in statutory planning processes.	- specific definitions of "heritage", "heritage conservation", etc. will signal significant changes from the old Act and encompass many heritage interests not now recognized in the legislation - definition/application provisions in new heritage legislation will provide examples for other Ontario legislation addressing heritage concerns; MCC will work with affected ministries over time to ensure other legislation to reflect the extended scope of heritage interests - see "Categories of Heritage Resources" (Appendix B) and "The Heritage Conservation Process" (Appendix C)

ISSUES	PROPOSALS	COMMENTS
2. <u>Purpose of Legislation</u> Current provisions: none At present the purposes of the Ontario Heritage Act must be inferred from its name and from its specific provisions. An explicit statement of the broad purposes of the statute would be valuable to a wide range of users, as well as to the courts in interpreting particular provisions.	2.1 The purposes of the act should be: - to promote a broadened understanding of the nature and value of Ontario's heritage and the heritage conservation process; - to provide a framework of roles and responsibilities for heritage conservation in Ontario; - to provide tools for the protection of Ontario's heritage resources; and - to facilitate good public and private sector stewardship of Ontario's heritage.	provides opportunity to link legislation clearly to Province's guiding vision and overall policy framework for heritage conservation

II. THE PROVINCIAL ROLE

ISSUES	PROPOSALS	COMMENTS
3. <u>The Provincial Interest in Heritage Conservation</u> Current provisions: no identification of provincial interest beyond general power of Minister of Culture and Communications to "determine policies, priorities and programs for the conservation, protection and preservation of the heritage of Ontario" OHRP public submissions stressed the need for the Province to make its interest in heritage conservation clear and prominent. Beyond a general declaration of provincial interest (such as that provided in the Cabinet-endorsed Policy Statement on Ontario's Heritage), two specific interests were identified: (1) the Province's interest in seeing good conservation planning undertaken by public authorities at all levels; and (2) the Province's interest in heritage resources of Province-wide significance, whether in Crown ownership or otherwise. There were calls for formal provincial policy statements on these matters under section 3 of the 1983 Planning Act.	3.1 The legislation should provide general authority for all provincial ministries and agencies (not just the Ministry of Culture and Communications) to establish policies and programs for carrying out the purposes of the Act. 3.2 The Province's interest in heritage conservation as it relates to land use planning should be clarified and promoted through appropriate policy statements and guidelines under the 1983 Planning Act.	- reflects key premise of OHRP that <u>heritage interests and responsibilities extend across government</u> - as lead ministry MCC has overall coordinating and support role - development of appropriate Planning Act policy statement(s) already underway as part of current interministry examination of use of such statements - closely related to 14 - The Municipal Mandate for Heritage Conservation

ISSUES	PROPOSALS	COMMENTS
4. <u>Provincial Inventories of Heritage Resources</u> Current provisions: none There is wide public support for provincial-level identification and inventories of heritage resources. Such inventories are critical to the overall planning and management of Ontario's heritage resources, particularly those of provincial-level importance. While much has been done in the natural heritage area, there are, for example, no comprehensive and easily accessible inventories of built heritage resources. Specific enabling authority for inventory and documentation activity in all areas (immovable, movable and intangible) is desirable.	4.1 The legislation should enable the Minister of Culture and Communications, or the Minister together with any other Minister of the Crown, to establish and maintain inventory and documentation programs of properties, areas and other immovable heritage resources, as well as movable and intangible heritage resources.	• similar to Planning Act's provision for joint activity by ministries with respect to policy statements under section 3 • while MCC need not compile/keep all inventories, it should have overall co-ordinating role; • on natural heritage side the Ministry of Natural Resources has key role

ISSUES

PROPOSALS

COMMENTS

5. Provincial Register of Heritage Places

Current provisions: no provincial register per se; Ontario Heritage Foundation required to keep a register of municipally designated property

As in the case of other provincial interests in the land use planning system, there is considerable pressure for the Province to take steps to clearly identify immovable resources of provincial significance. Drawing from existing and future inventories of heritage sites and areas, both in public and private hands, a formal register of provincially significant places could be developed based on clearly established criteria. The register would be a key component in both provincial and municipal planning and protection strategies. Such a register would also address the need for a mechanism for identifying heritage sites in unorganized territory (comprising much of northern Ontario).

5.1 The Minister of Culture and Communications, or the Minister together with any other Minister of the Crown, should be enabled to keep a register of heritage places of provincial interest.

5.2 Such a register should also include heritage places in areas without municipal organization.

5.3 Such places may comprise or include:

- single properties
- heritage trails or corridors
- heritage districts or areas
- properties adjacent to specific heritage sites, important to the setting of the site.

5.4 Any person should be able to request that a property be considered for inclusion on the register.

5.5 Criteria and process for the inclusion of properties and areas on such registers should be provided in the regulations.

- inclusion on (or eligibility for inclusion on) the register would be trigger for most provincial regulatory and inducement mechanisms
- such a register could be tied to (or even incorporated into) policy statements issued under the Planning Act
- with respect to Crown property, inclusion on register should trigger for application of corporate (i.e. government-wide) management guidelines and standards, to be developed jointly with ministries affected
- criteria and process for register(s) would be developed in consultation with potential user groups

ISSUES	PROPOSALS	COMMENTS
6. <u>Provincial Designation - Heritage Places</u> Current provisions: none, except that Minister may designate sites of archaeological significance subject to the payment of compensation for business loss There were numerous calls in the OHPR and earlier submissions for provincial powers to protect sites and areas of provincial-level interest or significance. At present the Minister of Culture and Communications may designate only archaeological sites. As a result the Province is often powerless to recognize and protect built and natural heritage features, regardless of their importance. The heritage statutes of almost all other provinces provide for designation at both provincial and municipal levels.	6.1 The Minister of Culture and Communications should be enabled to designate a site or area included on the Provincial Register of Heritage Places. 6.2 Alterations (including demolition) of designated sites and areas should require approval from the Minister and the Minister should be able to delegate this power. 6.3 The process for designation should include a requirement to consult with the local municipality concerned. 6.4 The owner of the property or the municipality should be able to have the designation reviewed by the Tribunal (see #12).	- provincial designation of private property should neither interfere with local decision-making nor become substitute for municipal action - guidelines would be developed confining use of this power to situations where provincially significant properties are at risk and no adequate protection exists at local level - as under the Planning Act, approval powers might be delegated to the municipal level where appropriate and feasible

ISSUES

PROPOSALS

COMMENTS

7. Statutory Protection

Current Provisions: none

At present Ontario's archaeological and paleontological sites enjoy very limited and uneven protection. As the OHPR submissions pointed out, archaeological licensing (see 9 below) regulates the practice of archaeology but does not directly protect archaeological sites. While government review of statutory plans under the Planning Act and other legislation is of growing importance as a protection mechanism, its application is limited to activity requiring plans approval. The complicated provision for designation of archaeological sites in Part VI of the OHA has proved unworkable. A different approach, modelled on that in effect in British Columbia and elsewhere, would address the gaps in the present system. This approach starts from the assumption that certain classes of heritage resources are of special importance to the province and that public authorities should have a say in their development and use.

7.1 The legislation should provide for the automatic protection of certain classes of sites.

7.2 Protected classes of site should include:

- (a) pre-confederation sites of native origin;
- (b) other archaeological sites before 1815;
- (c) any other class of site designated by regulation.

7.3 The Lieutenant-Governor-in-Council should be able to establish additional protected classes of site.

7.4 Alteration of protected sites, or removal of objects from them, should require approval from the Minister and the Minister should be able to delegate this power.

7.5 Notice of discovery of a protected site should be given immediately.

7.6 The owner of the property should be able to have the Minister's decisions reviewed by the Tribunal (see #12).

- together with other mechanisms (development plans review, licensing, provincial designation) proposal would form comprehensive package of tools and techniques for archaeological site protection; specific procedures should dovetail with those of licensing and plans review
- to provide time for setting up necessary operational arrangements, mechanism should come into effect at time to be established by Cabinet

ISSUES

PROPOSALS

COMMENTS

8. Provincial Ownership of Archaeological and Other Objects

Current provisions: Minister may direct that archaeological objects be deposited in public institutions in trust for the people of Ontario

Public submissions to the OHPR called on the Province to clarify ownership of and responsibility for certain objects found in Ontario, in particular archaeological artifacts of native origin. At present such objects may be subject to competing claims at common law and to disposition without regard for the public interest in such resources or the special interest of native communities. In accordance with recommendations in international agreements and the practice in most other provinces, it was urged that Ontario claim ownership of such objects for the Crown. Custodians would then hold such material as trustees for the public with certain responsibilities for its conservation, subject to the province's ultimate control.

8.1 The legislation should assert Crown ownership of certain classes of objects found or recovered in Ontario.

8.2 The following classes of objects should be subject to this provision:
(a) artifacts from native sites;
(b) classes of paleontological objects designated by the regulations.

8.3 The Crown's claim should not override the claims of true owners, including the rights of native peoples.

8.4 The legislation should provide that anyone possessing such objects holds custody of them in trust for the Crown and should prohibit their alteration or destruction without a permit from the Minister.

8.5 The legislation should require that discoveries of such objects be reported to the Minister.

• Crown's claim would apply only from time legislation comes into effect i.e. not retroactively

• existing collections could be recognized/protected through registration/designation mechanisms (see #10)

• as with Statutory Protection, specific mechanisms must be carefully worked out in consultation with interests most affected, particularly native communities and archaeologists

ISSUES

PROPOSALS

COMMENTS

9. Archaeological Licensing

Current provisions: licences issued by Minister following consultation with the Ontario Heritage Foundation

While archaeological licences are issued by the Minister of Culture and Communications, in practical terms licensing is a function of the Ontario Heritage Foundation. As the Foundation's role evolves toward that of a more "arm's length" body, its continued involvement in regulatory programs like licensing has been questioned. The OHPR consultations also yielded numerous suggestions for improvement to the licensing process in light of developments in both the practice and business of archaeology.

9.1 The legislation should continue to provide for the licensing of archaeological activity by the Minister or the Minister's delegate.

9.2 The requirement for consultation with the Ontario Heritage Foundation in the issuing of licenses should be removed.

9.3 The criteria and procedures for the issuing and renewal of licenses should be clearly set out in the regulations. These should be amended as appropriate following a comprehensive examination of the existing process.

- in context of other mechanisms available for site protection (development plans review, statutory protection, designation) emphasis in licensing would be more on "tracking" archaeological activity, less on accrediting practitioners
- regulations would initially reflect existing guidelines and procedures until comprehensive review of process completed (review to draw on input to OHPR on this issue)

ISSUES

PROPOSALS

COMMENTS

10. Provincial Register/Designation- Movable Heritage

Current provisions: none

As in the case of immovable heritage (real property), certain movable resources (artifacts, specimens, documents) may be of interest or significance to the province as a whole. Important collections of archaeological artifacts, for example, may be in private hands or in the custody of community museums. Except for acquisition by provincial agencies (such as the Archives of Ontario, Royal Ontario Museum, Art Gallery of Ontario), no mechanism exists for provincial recognition of items and collections.

Input to the OHPR recommended that, where an object or collection of provincial significance is threatened by destruction or loss, the Province should be able to take action to safeguard the object or collection in the provincial interest. As an alternative to public acquisition, such power should be available only with respect to property listed on the movable heritage register (or eligible for such registration). Like designation of real property, such designation would not affect ownership or possession of the object or the right of transfer ownership. Precedents exist in Quebec, Saskatchewan and Manitoba.

10.1 The legislation should enable the Minister of Culture and Communications to keep a register of heritage objects and other movable resources.

10.2 Criteria and process for inclusion on the register should be provided in the regulations.

10.3 The legislation should enable the Lieutenant Governor in Council, on the recommendation of the Minister of Culture and Communications, to designate an object or collection included on the movable heritage register.

10.4 Alteration or destruction of designated objects or collections should require a permit from the Minister.

10.5 The Minister should be able to obtain a court order for the maintenance of property threatened by neglect.

... (cont'd next page)

- register could serve to publicize endangered items/collections and act as trigger for funding or conservation assistance
- register could also encourage private stewardship of collections by providing insurance and security advantages
- like provincial designation of real property, guidelines should be developed limiting use of power to situations where objects/collections are at risk and alternatives have been exhausted

ISSUES	PROPOSALS	COMMENTS
10.	10.6 Removal of designated objects or collections from the province should also require a permit. 10.7 Criteria and procedures for designation should be prescribed by regulation. 10.8 The owner of the property concerned should be able to have the designation reviewed by the Tribunal (see #12).	

ISSUES

PROPOSALS

COMMENTS

11. Provincial Inducements for Heritage Conservation

Current provisions: OHF may provide advisory services and financial assistance through grants or loans; Minister may also exercise these powers; regulations provide for grants to museums and other heritage organizations. Under MCC Act, Minister has broad powers to provide funding, etc.

To improve the economic climate for heritage-sensitive investment and development and to complement regulatory mechanisms, a large proportion of submissions advocated provincial tax and other financial measures for the conservation of heritage structures. In addition to grants programs, possible avenues include property tax measures (e.g. provincial rebates of tax increases flowing from rehabilitation of designated properties), sales tax measures, access to venture capital, etc. The development of appropriate inducement approaches for the conservation of heritage buildings may have specific implications for relevant Ontario statutes or regulations. Within this context heritage legislation should provide clear enabling power for grants and other incentive programs at the provincial level.

With respect to movable property, there is a need for broad authority for appropriate forms of provincial assistance to both public and private collections, including grants, conservation advice, and agreements with owners/custodians.

In the area of intangible heritage, the OHPR heard that conservation strategies needed to emphasize bringing these elements to public and official recognition and on nurturing this heritage in its multitude of forms. Government needs clear authority to undertake or support programs of recognition and documentation of intangible elements.

11.1 The legislation should specifically enable the Minister of Culture and Communications or any other Minister of the Crown to support and encourage the conservation of the heritage of Ontario by means of:

(a) grants or loans

(b) technical or other advisory assistance

(c) the creation and administration of emergency, revolving or other special funds through appropriate agencies

(d) information services

(e) agreements with any person, municipality, agency, or other body respecting the matters in (a) - (d).

- would provide enabling powers only, with procedures set out in regulations
- such provision would avoid future need for specific enabling legislation such as the 1988 Conservation Lands Act (allowing MNR to give grants toward privately owned natural sites)

- in the area of built heritage, an extensive list of potential inducements found in OHPR's Technical Paper - Economic Measures for Historical Building Conservation in Ontario prepared by Marc Denhez

- in longer term some approaches, such as sales tax incentives, should be pursued with Ministry of Revenue and other ministries

ISSUES

PROPOSALS

COMMENTS

12. Regulatory Appeal Body

Current provisions: Conservation Review Board mandated under Part III of OHIA; CRB reviews decisions under Parts IV and VI; Ontario Municipal Board hears appeals re heritage conservation districts under Part V

Public submissions to the OHPR called for a designation review body with binding decision powers. The present Conservation Review Board is advisory only and its constituting provisions reflect this limited mandate. It was suggested that the CRB be enhanced to perform this new role.

This approach would building on the strengths of an existing heritage tribunal and regularize its process in line with those of the OMB and other boards. Alternatively, this function could be assigned to the Ontario Municipal Board with the requirement that steps be taken to ensure heritage conservation matters could be effectively integrated into its mandate.

12.1 The legislation should provide for a decision-making tribunal with the expert and administrative capacity appropriate to its role in the provincial and municipal designation processes.

- enhanced role for either the Conservation Review Board or the Ontario Municipal Board would have resource implications for either body

- could be implications for Consolidated Hearings Board Act

ISSUES	PROPOSALS	COMMENTS
13. <u>Provincial Advisory Bodies</u> Current provisions: The Ontario Heritage Foundation may advise and assist the Minister in all matters relating to the OHA As the understanding of the scope of heritage and heritage conservation has expanded, and new initiatives such as provincial registers are implemented, the assistance of special advisory bodies may be desirable. For instance, an expert committee could be used to advise the Minister on the evaluation of sites for provincial significance. In the area of intangible heritage, several OHPR submissions called on the Province to play a leadership role in the same way that it did in the area of built and archaeological heritage in the 1970s. It was argued there was much "catch up" work to be done. It was suggested that a provincial advisory body be created to advise and assist the Province in addressing this emerging area. Such a body would play a lead role in co-ordinating surveys and other documentation of Ontario folklore, stimulating research, encouraging the consideration of intangible elements in community and project planning, and generally promoting public and official awareness of our intangible legacies.	13.1 The legislation should enable the Minister to establish appropriate heritage advisory boards.	

III. THE MUNICIPAL ROLE

ISSUES	PROPOSALS	COMMENTS
14. <u>The Municipal Mandate for Heritage Conservation</u> Current provisions: mandate must be inferred from specific powers given to municipal level; only reference to upper tier is that a municipality may delegate its powers under OIRA to regional level Many OHPR submissions stressed the need to set clear expectations of municipalities for heritage conservation. The goal should be one where heritage concerns are integrated into municipal planning and decision-making on social, economic, cultural, environmental and land use questions. The use of policy statements under the Planning Act was seen as one means of signalling the importance of conservation planning, particularly with respect to land-based resources. Concerns were also raised that regional or upper-tier governments had no clear mandate or direction with regard to heritage conservation. As a result there is a risk that regional-level planning and other activity may ignore or override planning and other heritage concerns at the local level. A complementary and coordinated system of responsibilities and powers is needed.	14.1 The legislation should expressly provide that municipalities (at both lower and upper tiers and including Indian Bands) may establish objectives, policies and programs for the conservation of their heritage. 14.2 With respect to the relation between heritage conservation and land use planning, the legislation should signal that, where appropriate and in accordance with Planning Act procedures, such objectives and policies may be included in any official plan of the municipality. 14.3 Provincial policy statements should be issued under the Planning Act to guide and direct upper and lower tier conservation planning with respect to land-based heritage resources.	• similar to Planning Act provisions regarding content of official plans • where heritage conservation objectives, policies and programs relate to land use planning, these should be included in official plans • provincial policy statements regarding heritage conservation and other priority provincial interests related to the land use planning system are under development

ISSUES	PROPOSALS	COMMENTS
15. <u>Municipal Heritage Committees - Expanded Role</u> Currently: Act says only that LACACs may be appointed to advise and assist local councils in exercising their specific powers In line with expanded understandings of heritage and heritage conservation, there were many calls for a wider role for municipalities and their advisory bodies in such activities as the identification, protection and promotion of the full range of heritage resources at the local or regional level. It was also suggested that the legislation clearly prescribe the responsibilities of these bodies. As in the case of other bodies such as library boards, this would provide direction and establish common expectations concerning their functions. At the same time, since municipalities are not all the same and have different needs based on size and experience in heritage conservation, some flexibility was called for. It was suggested, for instance, that some municipalities may wish to have their committees act as co-ordinating and umbrella bodies for local heritage interests and perform other functions in addition to their advisory role to council. Some submissions called for local advisory bodies to reflect a wider range of community interests, such as business groups and the development industry. It was suggested that this would increase public confidence in designation and related planning processes, particularly on the part of the corporate sector.	15.1 The legislation should enable municipalities at all levels to establish municipal heritage boards. 15.2 The name "Local Architectural Conservation Advisory Committee" should be replaced with "Municipal Heritage Board" or such name as the municipality decides. 15.3 The council should be directed to endeavour to make the municipal heritage board broadly representative of community interests. 15.4 The mandate of the municipal heritage board should be to advise and assist the council on all matters relating to the legislation including: (a) the development of municipal heritage objectives and policies, including official plan provisions, related to the conservation of the heritage of the municipality; (b) the adoption and operation of specific measures to identify, protect, interpret and use significant heritage resources;	- existing LACACs would continue as municipal heritage boards - strength of LACAC role must not be jeopardized - aim is to provide municipal flexibility while ensuring committees address basic needs - provincial guidance for these bodies will be needed during transition period, e.g. in developing appropriate local criteria for designation

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ISSUES	PROPOSALS	COMMENTS
15.	(c) the promotion of the heritage of the municipality and of the importance of heritage conservation; and (d) the securing of the views and participation of the public in respect of heritage conservation activities by the municipality under this or any other legislation. 15.5 The legislation should provide that in carrying out its responsibilities the municipal heritage board may: (a) undertake heritage resource inventories, documentation and related research; (b) develop public criteria for the determination of significance of heritage resources and for the review of proposals for changes to designated property; (c) undertake educational programs and activities; (d) undertake promotional and marketing initiatives; and (e) undertake fundraising activity. ... (cont'd next page)	

ISSUES**PROPOSALS****COMMENTS****15.**

15.6 In addition to the responsibilities listed in 15.4, the council should be able to confer on its municipal heritage board any or all of the following functions:

- (a)** administering of grant or loan programs or special funds;
- (b)** managing of movable heritage objects and collections owned by the municipality;
- (c)** managing of heritage properties and easements held by the municipality;
- (d)** such other duties as council may require.

15.7 The legislation should provide for the creation of joint municipal heritage boards by two or more municipalities.

- these additional powers could be conferred on boards at council's option
- note that council could, if it chose, also make its municipal heritage board responsible for museums (Toronto Historical Board model)
- potential for pilot projects on MHBs with additional functions

ISSUES

PROPOSALS

COMMENTS

16. Municipal Museums/Archives/Trusts

Current provisions: none in OHA

The conservation of some forms of local/regional heritage resources may call for the creation of appropriate custodial facilities or trust bodies to hold and manage heritage resources in the community interest. Under sub-section 208 (57) of the Municipal Act a municipality may acquire and operate museums, natural history collections, parks (among a range of other facilities from arenas to observatories) and may appoint a board of management to act on its behalf. Archives and local trusts are not specifically mentioned. It was suggested that clear powers to establish and support heritage facilities be consolidated under heritage legislation.

16.1 The legislation should enable municipalities at all levels to establish, operate and/or support custodial or trust institutions (including museums, archives and property trusts) concerned with identifying, protecting, interpreting, and providing access to community heritage resources.

16.2 Council should be able to delegate its powers under this provision to a board of management.

16.3 Two or more municipalities should be able to undertake joint action for such purposes.

- would consolidate provisions concerning museums in heritage legislation and extend these to other types of heritage institution, such as municipal archives

ISSUES

PROPOSALS

COMMENTS

17. Municipal Register of Heritage Places

Current provisions: municipalities required to keep registers of designated properties; only real property of architectural or historical interest eligible for designation and other forms of protection; designation possible without creation of LACAC

Recognizing that land-based resources may be of different degrees of importance, and that the need for protection may vary from property to property, many OHPR submissions called for a more flexible system of municipal designation. An approach that provides for both registration of heritage property and formal designation has many advantages. It would encourage an open, consultative and planned process of municipal heritage recognition and protection. Such a process would reduce ad hoc and arbitrary responses and increase the fairness of municipal decision-making. Formal designation would normally be available only with respect to a property included on the heritage register, i.e. where owners and prospective purchasers were already informed of the heritage value of the property to the community.

The extension of municipal powers to recognize and protect other types of immovable heritage, such as gardens, cemeteries, and natural and archaeological sites, was also widely favoured.

17.1 Where a municipal heritage board has been created, a local municipality should be able to establish an official register of immovable heritage (real property).

17.2 Any real property of heritage interest, whether of historical, architectural, archaeological, natural or scenic significance, should be eligible for inclusion on the register provided it meets clearly defined criteria. Such property could comprise or include:

- . a single property
- . a heritage trail or corridor
- . heritage districts or areas
- . properties important to the immediate setting or context of a heritage site.

17.3 Inclusion in a heritage register would give only very temporary protection (60 days) to the heritage features of a property.

... (cont'd next page)

- . registration would constitute first tier of two-tier designation system
- . the creation of a municipal heritage board would be a condition precedent for most municipal powers

ISSUES

PROPOSALS

COMMENTS

17.

17.4 Any person should be able to request that a property be included on the heritage register.

17.5 The municipal heritage board should be required to keep any register established under this provision.

ISSUES

PROPOSALS

COMMENTS

18. Municipal Designation of Heritage Places

Current provisions: alterations require consent of council; owner can demolish designated structure 180 days after application refused by council

Input to the OHPR indicated wide public consensus that heritage designation is essentially a land use planning tool, similar to zoning. In this context, existing municipal powers are anomalous and are inadequate to provide a real measure of protection for designated property. In particular, the provision allowing for the demolition of designated buildings 180 days after council has refused an application to demolish has been heavily criticized. This was the issue that prompted the City of Toronto in 1987 to seek special powers allowing it to prohibit demolition until a building permit for a replacement structure had been granted.

As part of a more comprehensive conservation planning process, including the registration of heritage property, municipalities should be in the position to make final decisions on alteration and demolition proposals, similar to other land use planning decisions, subject to appeal to an impartial tribunal.

18.1 The legislation should continue to enable municipalities to designate heritage property for protection purposes. Only property entered on the heritage register and meeting locally defined criteria for designation could be designated.

18.2 Changes to designated property including the demolition of structures should require a permit from the municipality.

18.3 Any person should be able to request that a property be designated by the municipality.

18.4 Where a municipality intends to designate a property, any person should be able to object to the designation and have the matter referred to the Tribunal for a hearing and decision. Recourse to appeal also should be open to any person denied designation by the municipality

19.5 Where a request to alter or demolish a designated heritage property is refused, the owner should be able to appeal the matter to the Tribunal for a hearing and decision.

- formal designation would be part of two-tier system and would be available only in the case of property entered on or eligible for the municipal register
- members of the community would be able to initiate registration and designation of heritage property

ISSUES

19. Heritage Impact Statements

Current provisions: none

A heritage impact statement is a written evaluation of the effect of a project or undertaking on heritage resources. The statement outlines the project, describes the cultural and natural context of the development, identifies the impact of the project and recommends ways to avoid or lessen the impact on heritage resources. There were suggestions that municipalities be given the power to require such statements where heritage features are likely to be affected. Such statements could be used for instance, in determining whether permits should be issued for the alteration of designated property.

PROPOSALS

19.1 Municipalities should be able to require that a development proponent provide a heritage impact statement in situations where the development might adversely affect a registered or designated heritage property or a property under statutory protection (#7).

19.2 Guidelines/standards for such statements should be established by regulation.

19.3 When a heritage impact order is in effect, property should automatically receive temporary protection.

COMMENTS

- as in the case of environmental assessment programs, this would allow municipalities to transfer some of burden of assessment/evaluation project to proponent
- implementation must be compatible with ongoing need to streamline development approvals system

ISSUES	PROPOSALS	COMMENTS
20. <u>Local Involvement in Provincial Heritage Property</u> Current provisions: none. A frequently-voiced concern was that properties owned by the Province (and the federal government) were not legally subject to designation and that changes to such properties were sometimes made without community involvement. These sites - courthouses, provincial institutions, etc. - often represent local resources of landmark or other significance. There were many calls for making the legislation binding on the Crown. What is clearly needed is some means whereby the community's interest in such sites would be acknowledged and an opportunity provided for local input on decisions affecting their future. The Ministry of Culture and Communications, working with the Ministry of Government Services, has already taken some steps in this direction in the case of MGS-owned properties.	20.1 Local municipalities should be enabled to register and designate property owned by the Province in the same way as other property; the effect of such designation should be to require the Province to consult with the council before undertaking alterations. 20.2 Consultation procedures should be set out in regulation.	• would permit local governments to use register and designation as recognition tool without "binding" province to municipal controls • Planning Act requirement precedent for such a consultation obligation (e.g. where minister wants to change municipality's official plan) • procedures should be developed by affected ministries in consultation with municipalities and heritage organizations

ISSUES	PROPOSALS	COMMENTS
21. <u>Municipal Inducements for Private Conservation</u> Current provisions: municipalities may make grants and loans to the owners of designated heritage property (real property only) Consistent with broader definitions of heritage and greater municipal involvement in heritage conservation, greater latitude and flexibility in municipal financial and other assistance for private conservation activity with respect to all types of heritage is called for. One suggestion frequently heard in the area of real property protection was that municipalities offer property tax inducements to owners of heritage properties.	21.1 Municipalities should be given broad authority to provide financial assistance toward the conservation of heritage resources -- immovable (real property), movable and intangible. In the case of real property, only property under some form of heritage protection should be eligible for public financial assistance. 21.2 The legislation should specifically provide that municipalities may offer rebates on property taxes to owners of designated property. 21.3 Municipalities should be able to set up and manage emergency, revolving or other special funds to be used for heritage conservation purposes. 21.4 Municipalities should have clear authority to: (a) with the owner's agreement, erect signs, plaques and other interpretive aids; (b) produce informational or promotional material on local/ regional heritage resources;	- enabling powers only - in the area of built heritage, extensive list of potential inducements found in OHPR's Technical Paper, Economic Measures for Historic and Heritage Building Conservation and Restoration in Ontario prepared by Marc Denhez - would not affect existing assessment/tax revenue

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ISSUES

PROPOSALS

COMMENTS

21.

(c) undertake educational programs or courses respecting local/regional heritage; and

(d) make grants for any of the above purposes.

ISSUES	PROPOSALS	COMMENTS
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22. Municipal Acquisition of Heritage Property

Current provisions: municipalities may acquire (including by expropriation) individually designated real property; heritage easements may also be acquired for building conservation only

Existing municipal powers to acquire real property and heritage easements are confined to architectural sites.

The extension of municipal authority to identify and protect a wide range of heritage property suggests the need to similarly widen the scope of acquisition powers.

22.1 Municipalities should be enabled to acquire real or personal property of heritage interest or significance.

22.2 Municipalities should be able to acquire heritage easements on all types of heritage real property.

22.3 Municipalities should be able to expropriate real property listed on the municipal register, subject to the usual expropriations process.

IV. OTHER PROVISIONS

ISSUES	PROPOSALS	COMMENTS
23. <u>Heritage Easements - Conservation Organizations</u> Current provisions: only the Ontario Heritage Foundation and municipalities are enabled to negotiate such agreements and have them registered on title Heritage easements are voluntary agreements with property owners conferring a special form of legal protection. A flexible device which can be tailored to the needs of particular situations, an easement is often seen as an alternative to public acquisition of the property. OHPR submissions pointed out that many private, not-for-profit groups, particularly those concerned with protecting locally significant sites, could benefit from the wider availability of the easement device. It was also suggested that such groups might play a valuable role in monitoring easements held by other bodies. Excellent U.S. precedents are available for both approaches. The device should also be extended to public agencies such as conservation authorities.	23.1 The legislation should enable public and private conservation agencies and organizations concerned with natural or cultural property to acquire heritage easements on such property. 23.2 The monitoring and enforcement of easements by organizations that are not party to the agreement should also be permitted.	• a provincial agency (possibly the OHF) will initially need to play lead role in providing advice, precedent agreements, etc. • potential income tax advantage of donation of easements could greatly increase their popularity

ISSUES	PROPOSALS	COMMENTS
24. <u>Enforcement</u> Current provisions: Minister's written consent required for all prosecutions; maximum penalties \$10,000 for individuals and \$50,000 for corporations There is widespread consensus that the penalty provisions of the Ontario Heritage Act are inadequate and do not provide a meaningful deterrent. The procedure for the prosecution of infractions -- requiring that municipalities obtain the prior consent of the Minister -- has also been frequently criticized as needlessly paternalistic. The updating of such provisions would provide an opportunity to bring both penalties and procedures in line with other provincial planning/environmental legislation.	24.1 The maximum penalty for an individual should be \$50,000 and two years' imprisonment. For corporations the maximum penalty should be \$1,000,000 and two years' imprisonment for the individuals responsible. 24.2 The local municipality (and, in the case of provincially designated property, the appropriate Minister) should be able to apply for a court injunction where a protected heritage property is considered to be under immediate threat of illegal alteration or demolition. 24.3 The existing requirement for ministerial consent for prosecutions should be removed.	• updating of these provisions long overdue - current omnibus legislation will increase penalties based on inflation only • recent environmental and heritage legislation in Ontario and other provinces provides precedents for meaningful penalty levels • existing consent requirement suggests "parental" role of Province and is unwarranted

5b
Corporation of the City of Hamilton

Memorandum

TO: Miss Charlene Coutts, Secretary
LACAC

YOUR FILE:

FROM: Mrs. Lynn Dale, Secretary
Hamilton Historical Board

OUR FILE:
PHONE: 546-2728

SUBJECT: JOINT PLAQUING SUB-COMMITTEE

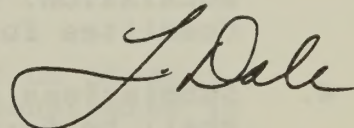
DATE: 1990 June 18

Attached please find guidelines (including Membership and Reporting Mechanism) for a Joint Plaquing Sub-Committee which was approved by the Hamilton Historical Board at its meeting held 1990 June 12.

The Hamilton Historical Board respectfully requests that LACAC review these guidelines and as outlined in the membership criteria, appoint 2 representatives to the Joint Plaquing Committee.

Upon LACAC's concurrence, these guidelines will be forwarded to the Parks and Recreation Committee for their consideration and recommendation.

If you have any questions, please contact me at your convenience.



Attach.

**JOINT PLAQUING SUB-COMMITTEE
HAMILTON HISTORICAL BOARD/LOCAL ARCHITECTURAL
CONSERVATION ADVISORY COMMITTEE**

MEMBERSHIP:

The Joint Sub-Committee shall be comprised of two members of the Local Architectural Conservation Committee (one of whom is the LACAC representative on the Hamilton Historical Board) and two members of the Hamilton Historical Board, all appointed annually, as well as one alderman (sitting on either LACAC or the Historical Board). The Sub-Committee will select its chairperson.

REPORTING MECHANISM:

1. Proposals for plaques to be funded all or in part with municipal monies and/or to be erected on municipal property shall be forwarded to the Joint Plaquing Sub-Committee for discussion and approval.
2. The Joint Plaquing Sub-Committee, if appropriate, may liaise with the federal and provincial governments concerning plaquing.
3. Submissions for City of Hamilton historical plaques from individuals or from organizations shall be forwarded to the Plaquing Sub-Committee in writing. Full information as to significance shall accompany the submission. Submissions will be evaluated by the Sub-Committee for accuracy.
4. Submissions approved by the Plaquing Sub-Committee shall be forwarded simultaneously to the next regular meetings of both the Hamilton Historical Board and the Local Architectural Conservation Advisory Committee for comments and/or approval.
5. Submissions approved by both the Hamilton Historical Board and the Local Architectural Advisory Sub-Committee shall be forwarded by the Hamilton Historical Board to the Parks and Recreation Committee for approval.

RECOMMENDATIONS:

1. That the Joint Plaquing Sub-Committee design a form for plaquing submissions.
2. That a Plaquing Register listing existing and potential plaques and outlining their significance be established and maintained by the Joint Plaquing Sub-Committee. This Plaquing Register should include buildings in Hamilton designated under the Ontario Heritage Act.
3. The Joint Plaquing Sub-Committee should adhere to City policies regarding language. The Sub-Committee should consider additions to the English text if appropriate.
4. The Joint Plaquing Sub-Committee should examine issues relating to the location of plaques, their maintenance, ownership of plaques, and the replacement of damaged plaques.
5. The Joint Plaquing Sub-Committee should consider integrating the plaquing program (including both existing and future plaques) into broader heritage activities (e.g. walking tours).
6. The Joint Plaquing Sub-Committee should examine closely the question of legal liability in regards to plaquing on private property.
7. A uniform design should be established for both categories of plaques.
 - a) Descriptive texts should be used on plaques.
 - b) Illustrative plaques should be considered if appropriate.

GUIDELINES FOR PLAQUING

Two general categories of plaques have been established: COMMEMORATIVE PLAQUES and DESIGNATION PLAQUES (for structures, streetscapes, etc. designated under the Ontario Heritage Act or located within a designated Heritage Conservation District).

PLAQUES MAY BE AWARDED FOR THE FOLLOWING REASONS:

1. DESIGNATION PLAQUES

Designation of a structure, streetscape, or area under the Ontario Heritage Act.

2. COMMEMORATIVE PLAQUES

NOTE: More than one category may apply.

Architectural Reasons may include age, style and/or location.

The building is noted for one or more of the following characteristics:

- * an outstanding example of an architectural style
- * an exceptionally early building
- * an unusual building type, structure, or composition
- * the first or last of a kind
- * an important visual landmark
- * a special relationship between building and site
- * the work of a major architect
- * a group of buildings which form an important streetscape
- * an exemplary restoration or adaptive re-use project

Historical/Prehistoric Importance

- * close association with a noteworthy person (to recognize their lasting importance; chosen because of their association with the place)
- * close association with a noteworthy event
- * effectively illustrates a significant, broad pattern cultural, social, political, military, economic or or industrial history or pre-history



Ontario

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PLAN

7a

Ministry of Ministère de la
Culture and Culture et des
Communications Communications

REGIONAL MUNICIPALITY
HAMILTON-WENTWORTH

Your File:

June 18, 1990

Our File:

Ms Nina Chapple
Architectural Historian
Hamilton LACAC
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Ms Chapple:

RE: File Number: HER-90-123001
EXPERIENCE '90

I am writing to inform you that the Ministry of Culture and Communications is unable to fund your project this year under the Experience '90 Program.

A large number of excellent proposals were received and the decision-making process was a difficult one. The limited funds available for Experience '90 enable us to select only those project proposals which most closely met the stated program objectives and priorities. Although it is not possible for the Ministry to provide the assistance you have requested, I would like to take this opportunity to wish you every success in your future endeavours.

Yours sincerely,

Morris Zbar
Director
Field Services

c.c: Lily Oddie Munro, M.P.P.
Hamilton Centre

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UNITED STATES OF AMERICA

Ministry of

Ministry of Culture and Education
Department of Cultural Heritage
10000 Washington Avenue
Washington, D.C. 20000
Phone: (202) 456-7890

Dear Sirs:

RE: [Illegible]

Enclosed for the Ministry of Culture and Education are two copies of the report on the archaeological excavations at the site of the ancient city of [Illegible]. The report contains a detailed description of the site, the results of the excavations, and the conclusions reached by the archaeological team. It is hoped that this information will be of interest to the Ministry and will contribute to the understanding of the history and culture of the region.

Very respectfully,
[Illegible Signature]
[Illegible Title]

I am writing to inform you that the Ministry of Culture and Education has received the report on the archaeological excavations at the site of the ancient city of [Illegible]. The report is a valuable contribution to the understanding of the history and culture of the region. It is hoped that this information will be of interest to the Ministry and will contribute to the understanding of the history and culture of the region.

Very respectfully,
[Illegible Signature]
[Illegible Title]

cc: Lily Odette Brown, M.P.
Belgian Centre

Friday, 1990 June 22
10:00 o'clock a.m.
Room 219, City Hall

7b(i)

The Art in Public Places Steering Committee met.

There were present: S. Greenspan, Chairperson
B. Mason
V. Matus
K. Mills
C. Renaud
G. Etele
J. McNeilly
N. Chapple
B. Chrystian
C. York

Regrets: T. Hodgson
R. Swain
G. Todd

The minutes of the May 4 1990 meeting of the Steering Committee were accepted as presented.

Chairperson S. Greenspan suggested that Agenda Item 4 be addressed first, before getting involved with the discussions about definitions. The suggested schedule of meeting dates and tasks was accepted. The next two meeting dates decided upon were July 20 and August 30, 1990 both at 10:00 a.m. Added to the list of tasks was the Public Meeting. This will be called by the Arts Advisory Sub-Committee and should take place prior to the policy draft being submitted to the Parks and Recreation Committee.

The Steering Committee reviewed the definitions of "Public Place". Mr. Chrystian offered comments and information from his perspective as Manager of Parks. It was noted that municipal legislation exists which requires residential developers to allocate five percent of a subdivision's acreage to green space (park) or five percent of their development costs in lieu. This demonstrates that the City already has established a situation wherein developers are participants in a specific aspect of urban planning involving parks - perhaps a parallel precedent for percent for art legislation.

After much discussion, the definitions as presented were revised to reflect the consensus of the Committee. It was felt that they should be non-restrictive to allow for greater freedom in interpreting the policy in the future. It was also suggested that parks be dealt with in a separate section further into the policy. The definitions of "Public Place" and "Public Art" will be forwarded to the Solicitor's Department for comment.

Other suggestions made, as a result of the discussion, were as follows:

1. Include, at the end of the policy document, a statement that other levels of government should allow some measure of municipal participation in public art processes under their jurisdictions.
2. That agendas and minutes should be sent to all City Committees/Sub-Committees affected by public art issues, for instances, D.A.P. Co-ordinating, C.A.P.I.C., Urban Design, Parks and Recreation Citizens' Advisory Committee; as well as to Bob Chrystian, Manager of Parks.
3. Karen Mills requested time at the next meeting to show slides of public art projects in other cities.
4. Sheila Greenspan and Cheryl York to meet prior to July 20, 1990 to draft a Mission Statement and Agenda.

Minutes - May 4, 1990.

Agenda - Item 4.

Definitions -
"Public Place"

Draft definitions
forwarded to
Solicitor's Department.

Public Art Selection
Process.

Agendas and minutes
affected by public
art issues.

Slide presentation -
public art projects -
next meeting.

Draft Mission Statement
and Agenda.

7b(ii)

MISSION STATEMENT

The City of Hamilton, recognizing that the way this community looks, feels and functions has a direct bearing on its quality of life, will initiate and encourage opportunities for the arts to be expressed as publicly visible and integrated components of the urban structure.

PRINCIPLES cont'd.

THE CITY OF HAMILTON

recognizes that it has a responsibility for the professional maintenance of permanently installed public art;

requires that a public art programme be based on an objective selection process;

recommends a funding mechanism for a public art programme which involves the participation of government, the corporate sector and the private sector.

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THE SPECTATOR

D

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HAMILTON—WENTWORTH

.... Tuesday, July 10, 1990

\$91 million HQ plan too pricey for region?

By KEN PETERS
The Spectator

AN ESTIMATED \$91 million price tag for a proposed regional headquarters behind Hamilton city hall is expected to push the project onto the political scrap heap.

Regional politicians are expected to shelve the city hall project, estimated to cost \$23 million only two years ago — once the accommodation committee receives a final feasibility report tomorrow.

"My feeling is it could top \$100 million. I'm not voting in favor of this. We are building a monster, particularly if we build it there," Hamilton Councillor Don Ross said of the project.

The eight-month consultant's report — prepared at a cost of \$140,000 by UMA

Spantec — shows the cost of constructing an eight-storey regional headquarters on city hall plaza would cost between \$77 million and \$81 million. With inflation added, that cost rises to \$91.4 million by the time the facility would be completed in 1995.

Those estimates, termed "frightening" by one Hamilton councillor, have convinced chief administrative officer Mac Carson to recommend "council consider the investigation of other alternatives for the location of regional headquarters."

Spantec had recommended the region proceed with a separate "stand alone" tower over an expansion of city hall. The complex would include 24,000 square metres (260,000 square feet) of building space and provision for 850 parking

spaces. The region leases 14,000 square metres (152,000 square feet) of office space. Current parking supply at city hall totals 510 spaces.

The consultants report the major increase in project estimates is primarily due to the costs connected with building on the city hall site, including providing 600 more parking spaces, the relocation of the city garage and other alterations to city hall.

Mr. Ross, who raised concerns about the project when the price tag hit \$58 million in March, stressed the new estimates should convince regional council to scrap the project and reconsider the merits of one-tier government.

"In my opinion the solution is one-tier government," he said.

Ancaster Councillor Ann Sloot, chairman of the accommodation committee, concedes the proposed project's price tag is prohibitive.

"I'm concerned about the amount of money. That's a lot of dough. I don't think the time is right for us to spend that kind of money with the province mandating so many programs for the region to pay for," she said.

While the region leases space for its offices at a cost of \$3 million a year, Mrs. Sloot said the city hall project would cost the region more than that in annual capital expenditures.

Hamilton Councillor Terry Cooke, another committee member, will join colleagues Brian Hinkley and Don Drury to propose the region consider a possible "de-

centralization" by building office space on city-owned land in less concentrated areas of the region.

"The costs we are contemplating at the city hall plaza are frightening. I think a \$100 million price tag for a regional headquarters at city hall is not palatable and I don't think regional taxpayers can afford that kind of price tag," he said.

If the city hall project is shelved it will mark the second major setback for the proposed regional headquarters. Regional council had agreed to a \$76 million, 20-year lease of 15,300 square metres (164,700 square feet) in a proposed Bay Street office tower before backing out of the deal in June 1989. The developer, Region Plaza Inc. of Toronto has launched a \$60 million lawsuit against the region over the matter.

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URBAN/MUNICIPAL

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1990

J.J. SCHATZ
DEPUTY CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

~~September 18, 1990~~

URBAN MUNICIPAL

NOTICE OF MEETING

SEP 19 1990

Local Architectural Conservation Advisory Committee

GOVERNMENT DOCUMENTS

Monday, 1990 September 24

12:00 o'clock noon

Room 219, City Hall

C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

A G E N D A

1. Minutes of the meeting held 1990 July 23

2. Designations:

ACTION
ACTION

- a) 988 Concession Street
- b) 74 Charlton Avenue East

3. Restoration, Re-Use, Redevelopment

- a) Strathcona Fire Station - Update (no copy)
- b) St. Mark's Anglican Church - Update
- c) Tivoli Theatre - Update
- d) Pigott Lobby Windows - Update
- e) Demolition Permit Applications - Procedure for LACAC Response (no copy)
- f) Planning Department Referrals - Research Sub-Committee Comments (no copy)

ACTION

GOVERNMENT OF CANADA

[Signature]
Minister of Health
Ottawa, Ontario

- (i) 119 James Street North - Site Plan Application (DA 90 37) for Commercial/Office Development
- (ii) 17-31 King Street East - Proposed Demolition of Woolworths Building for a Parking Lot

ACTION 4. Additions to Inventory

5. Heritage Districts

- ACTION
- a) Durand South
 - b) Letter from CAPIC re: MacNab-Charles District and Proposed Durand South District

6. Heritage Funding

- ACTION
- a) 219-227 Ferguson Avenue South
 - b) Applications - Procedure for expediting process (no copy)

7. Sub-Committee Reports

- a) Research Sub-Committee - Minutes of Meeting 1990 July 18
- b) Research Sub-Committee - Minutes of Meeting 1990 August 1
- c) Research Sub-Committee - Minutes of Meeting 1990 August 15
- d) Joint Plaquing Sub-Committee - Appointments

8. Special Projects

- a) King Street East Plaques (available at meeting)
- b) Incentives for Preservation - Perth example

9. Information Items

- a) Lots of Record - Report from City Solicitor's Department.
- b) Historical Board - Minutes of Meeting Held 1990 June 12 and 1990 August 14
- c) Letter from Executive Co-ordinator, Ontario Heritage Policy Review re: LACAC's Response to Proposals for Legislation
- d) Ontario Together: The Report of the Premier's Task Force on the Heritage Years

- e) "Designing for Conservation", the ACO's Travelling Workshop - Fall/Winter 1990-91
- f) Building Renovation Articles (May/June 1990):
 - (i) "Hamilton has its say" (Director of Community Development's Letter Re: Low-Rise Rehabilitation Program in Hamilton)
 - (ii) The Politics of Persuasion: Edmonton's heritage policy encourages restoration through a tax rebate incentive"
- g) "Niagara Escarpment Declared UNESCO Biosphere Reserve"
- h) Update: Westfield Heritage Centre (August 1990)
- i) Museum In-Site (May 1990)
- j) IMPACT (Heritage Canada: July 1990)
- k) Architectural Conservancy of Ontario - New Brochure
- l) Crook's Hollow Historical Trail: Western Section
- m) ORACA Newsletter (Ontario Rock Art Conservation Association: Spring 1990)

10. Other Business

11. Adjournment



Monday, 1990 July 23
12:00 o'clock noon
Room 219, City Hall

1

The Local Architectural Conservation Advisory Committee met.

There were present: Mrs. D. Dent, Chairman
Mr. R. Wheeler, Vice-Chairman
Alderman W. McCulloch
Alderman J. Smith
Mr. B. Henley
Mrs. G. Simmons
Mr. J. Mokrycke
Mr. R. Rankin
Mrs. J. Rigby
Mr. R. Brough

Attendance

Also present: Ms. A. Gillespie, Planning Department
Mr. P. Hooker, City Solicitor's Department
Mr. L. Farr, City Solicitor's Department
Mr. M. Aikman, Strathcona Fire Hall Action
Committee
Mr. C. Hartley, Durand Neighbourhood
Association
Ms. M. Forget, Planning Department
Mr. J. Sakala, Planning Department
Mrs. J. Hickey-Evans, Planning Department
Mrs. L. Prociuk, Durand Neighbourhood
Association
Mr. J. Robinson, Community Development
Department
Mrs. S. Shaker, Durand Neighbourhood
Association
Mr. K. Frosh, Guelph L.A.C.A.C.
Mr. D. Marshall, Guelph L.A.C.A.C.
Mr. P. Eker, Guelph L.A.C.A.C.
Mr. E. McGuinness, Hamilton Spectator
Ms. C. Renwald, CHCH-TV
Miss C. Coutts, Secretary

The minutes of the meeting held 1990 June 25 were ADOPTED as circulated.

Minutes of 1990 June 25
adopted

The Committee was in receipt of a report dated 1990 July 23 from the Chairman of the Research Sub-Committee respecting the designation of 988 Concession Street.

The Committee APPROVED the following recommendation:

That L.A.C.A.C. approve the property at 988 Concession Street as being eligible for designation and that staff be requested to research the property and prepare the reasons for designation.

988 Concession Street -
Eligible for Designation

The Committee was informed that Mrs. Nina Chapple was absent from today's meeting as her father had recently passed away. The Committee suggested that a card be sent to Mrs. Chapple expressing the Committee's condolences.

Mrs. Chapple absent - Card
to be sent

Mr. Murray Aikman, Chairman of the Strathcona Fire Hall Action Committee appeared before the Committee to present a verbal report on the status of saving the Strathcona Fire Hall. Mr. Aikman informed the Committee that the Parks & Recreation Committee denied the moving of the Fire Hall because of the costs involved. However, this recommendation was tabled at the last City Council meeting. Since this item has been tabled by City Council, the Greek community has called for tenders for architects for their proposed new development. Mr. Aikman will keep the Committee informed of any future action with respect to the Fire Hall.

Status Report on Saving
Strathcona Firehall

*LACAC's Roll at O.M.B.
Hearing for St. Mark's
Anglican Church*

The Committee was informed that the Ontario Municipal Board Hearing for the Appeal by St. Mark's Anglican Church to permit the proposed non-profit housing development is scheduled to take place from 1990 August 27th - 31st. Mr. Phil Hooker, City Solicitor's Department, was present to determine L.A.C.A.C.'s role, if any, at this OMB hearing. Mr. Hooker stated that representatives of the Committee can appear before the Board to express its concerns. Mr. Hooker would appreciate receiving a list of those representatives who will be speaking on behalf of L.A.C.A.C. prior to the hearing.

*Demolition almost complete
for 65 Markland Street*

The Committee was in receipt of an information report dated 1990 July 16 as prepared by the Director of Local Planning respecting the current status of 65 Markland Street. The Committee was informed that the demolition of this building is almost complete and once the demolition has been completed, City Council shall pass a By-law repealing the designation By-law.

*Pigott Lobby Windows -
lease agreement with
Reemark to be signed*

Mr. Lorne Farr, City Solicitor's Department, informed the Committee that the Legal Department is waiting for the insurance certificate from Reemark Heritage Gardens before the lease agreement with the City will be signed. Mr. Farr added that Mrs. Chapple will be consulted before security arrangements will be finalized.

*74 Charlton Ave. E. -
Save Building - LACAC
not mandated to look at
cost estimates for repairs*

The Committee was in receipt of a chronology of events with respect to 74 Charlton Avenue East as prepared by Mrs. N. Chapple, Planning Department. At the last meeting, the Committee was asked to comment on the cost estimates for renovating this building. Given the Committee's resources, L.A.C.A.C. feels that it is presently beyond its role to discuss costs in saving a building but its mandate is to help preserve buildings of architectural and/or historical significance. In this regard, the Committee is very much in support of saving this building. Staff indicated that an independent contractor has given much lower figures than those submitted at the last meeting and staff were requested to contact this contractor to determine if he/she will make these figures available at the Niagara Escarpment Commission hearing.

*Staff to determine use for
former St. Elizabeth
Nursing Home*

Staff were also directed to contact the Building Department to determine the owner's intended use for the former St. Elizabeth Nursing Home on John Street South (ie, Nursing Home or Second Level Lodging Home).

*Post Office - closing
date of sale*

With respect to the Main Post Office building located at 10 John Street South, the Committee was informed that the closing date on the sale of this building is 1991 March 29.

*Research Sub-Committee
minutes - 1990 May 23*

The Research Sub-Committee minutes for its meeting held 1990 May 23 were received as circulated.

*Proposed changes to
Ontario Heritage Act -
Committee asked to comment*

The Committee was in receipt of a summary of the major proposed changes to the Ontario Heritage Act as prepared by Mrs. N. Chapple, Planning Department. Mr. Brough wished to congratulate Mrs. Chapple for the excellent job in summarizing the proposed changes to this legislation. Committee members were asked to review the proposed changes and were invited to attend a special L.A.C.A.C. meeting to be held on Wednesday, 1990 August 08 at 12:00 o'clock noon to address any comments and/or concerns they may have with respect to the proposed legislation changes.

*Joint Plaquing Sub-
Committee - Brian Henley
and Nina Chapple appointed*

The Committee was in receipt of a memorandum dated 1990 June 18 from the Secretary of the Hamilton Historical Board requesting L.A.C.A.C. to appoint two representatives to a Joint Plaquing Committee with the Hamilton Historical Board. Mr. Brian Henley was appointed to fill one vacancy as he is already the liaison person from the Committee on the Hamilton Historical Board. Discussion ensued on the additional representative and the Committee felt that because of time constraints and the heavy workload of Committee members that this position should be filled by a staff resource person. Mrs. Nina Chapple was then appointed as a L.A.C.A.C. representative to this Sub-Committee.

1990 July 23

Discussion on the Heritage Conservation Districts (MacNab-Charles, St. Clair Boulevard and Durand South) was tabled to the next meeting.

*Heritage Conservation
Districts - tabled*

Ms. Ann Gillespie informed the Committee that she recently took part in a site visit at the Century Theatre on 1990 July 12. Photographs dating back to 1942 and other additional information were circulated.

*Site visit of
Century Theatre*

Other Business

Alderman Smith requested that the funding issue for the James Street Baptist Church be placed on the next agenda.

*James St. Baptist Church -
funding*

Mrs. Jane Rigby informed the Committee that the Custom House is building additions on the back of the building. Staff were requested to investigate this and report back at the next meeting.

*Custom House - new
construction to be
investigated*

With respect to the August meeting, the Committee agreed to cancel this meeting because of summer schedules. The next regular meeting will be held on 1990 September 24. In the event of pressing business, an emergency meeting will be called by Mr. Reg Wheeler, Vice-Chairman.

*1990 August meeting
cancelled*

There being no further business, the meeting then adjourned.

Adjournment

Taken as read and approved.

Mrs. D. Dent
Chairman
Local Architectural Conservation
Advisory Committee

C.J. Coutts
Secretary

FOR ACTION

2a

REPORT TO: Charlene Coutts
LACAC Secretary

DATE: Sept. 19, 1990.

FROM: A.L. Georgieff
Director of Local Planning

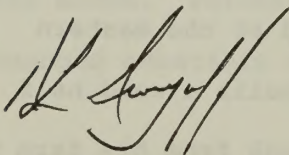
SUBJECT: 988 Concession Street - Designation Recommendation

RECOMMENDATION:

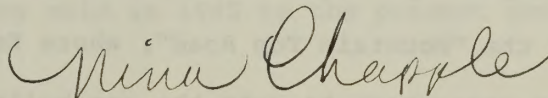
That City Council give approval to the "Intent to Designate" the house at **988 Concession Street** (originally known as **Inkermann Cottage**) as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.

That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Respectfully submitted,



A.L. Georgieff, M.C.I.P.
Director of Local Planning



Nina Chapple
Architectural Historian

FINANCIAL IMPLICATIONS

N/A

BACKGROUND:

1. LACAC gave preliminary approval to the designation of this property at its last meeting following receipt of a letter from the current owners, Alan and Suzanne Miller, requesting designation.
2. DRAFT Reasons for Designation, planning information, maps, photographs and background information attached.

DRAFT

REASONS FOR DESIGNATION

Inkermann Cottage, 988 Concession Street

Context

Built around 1855 for John William Kerr, the 1 1/2 storey stucco house at 988 Concession Street on the East Mountain stands overlooking the escarpment at the eastern end of Mountain Drive Park, a triangular park extending from Mountain Park Avenue to the point where Concession Street turns into the Mountain Brow Boulevard. Set well back from the roadway on a large lot amidst well-treed and attractively landscaped grounds, the Kerr house now forms part of a residential area developed largely in the 1950s.

The house originally stood surrounded by wood and farm land at the eastern terminus of the "Mountain Top Road", where Kerr reputedly built a road half way down the escarpment to join the one built by Daniel Flock from his farm to the east down the Mountain to Ottawa Street. This point became known as Kerr's Point.

Historical Associations and Importance

Of particular historical interest is the association of 988 Concession Street with the original owner, John William Kerr, a well-known fishing inspector. After purchasing his Mountain-brow property in 1853, Kerr retired from his position as Chief Clerk in the Engineer's Office of the Grand Trunk Railway to establish a farm on his 100 acres. By 1858 he and his family had moved to the present house, originally known as Inkermann Cottage.

A founding member of the Wentworth Society for the Protection of Game and Fish, established in 1860, Kerr was later appointed Fisheries Overseer for a district which eventually extended from Belleville to the Niagara River. This position was held by Kerr from 1865 until the year of his death and subsequently by his two eldest sons Frederick and Charles. In the course of his career as Fisheries Overseer, John Kerr was also engaged in the control of game hunting and took an active role in the affairs of Wentworth County and Barton Township.

Inkermann Cottage was owned by the Kerr family for almost a century. John and his wife Mary lived there until their respective deaths in 1888 and 1907, after which the property was deeded to four of the daughters who continued to live there and carry on the family farm. With the death of the last surviving daughter Louisa in 1930, the property passed onto the second eldest son, Charles and finally in 1942 to his son, Albert, neither of whom ever lived in the house. Purchased in 1946 by Reginald and Ruth Dodson, it has since changed ownership only once, being sold in 1985 to the present owners.

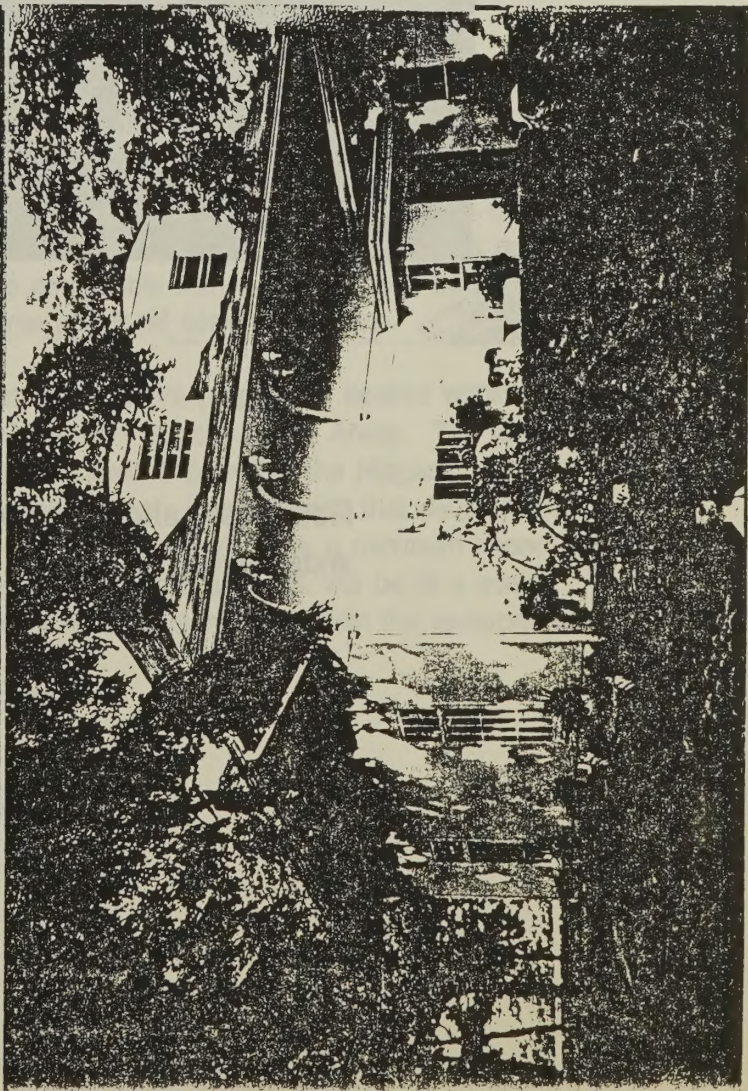
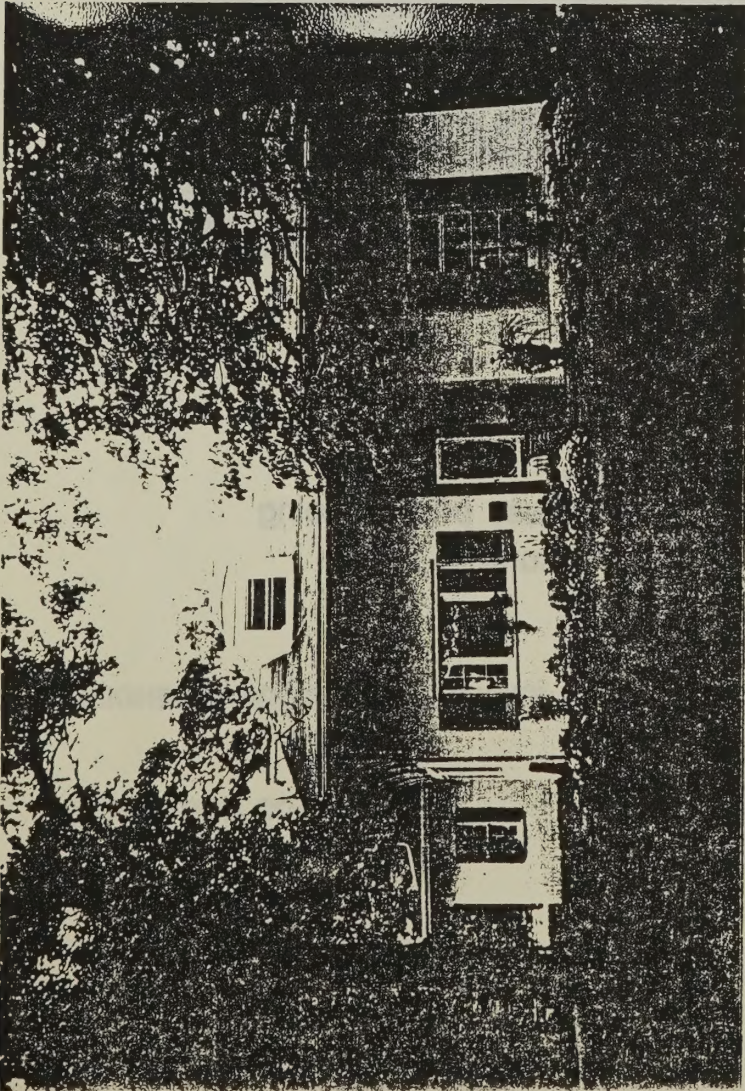
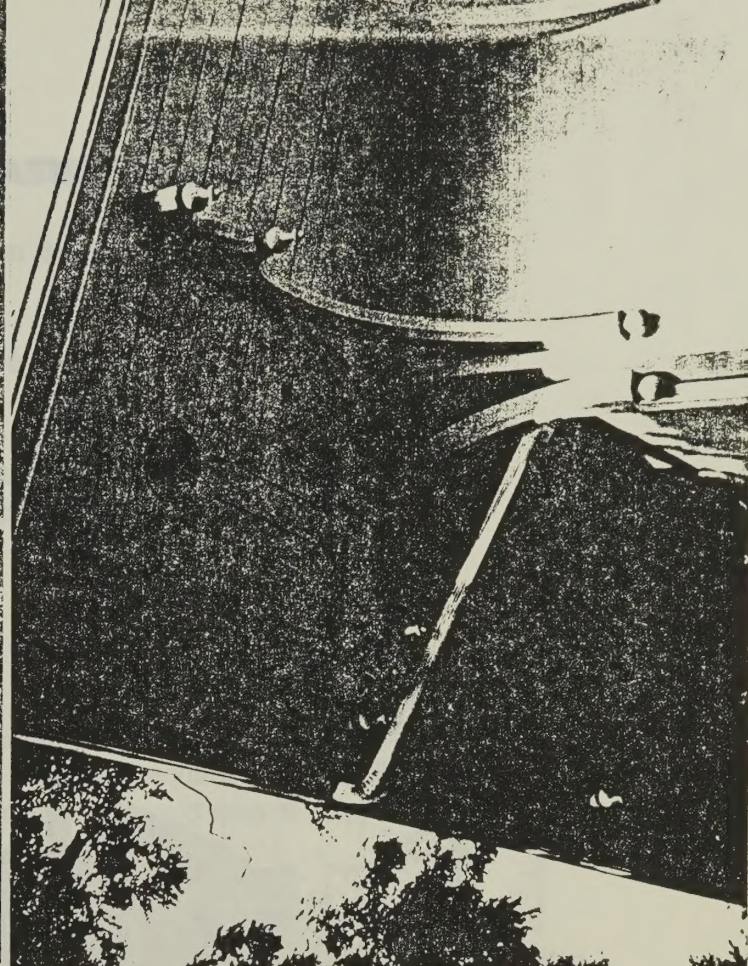
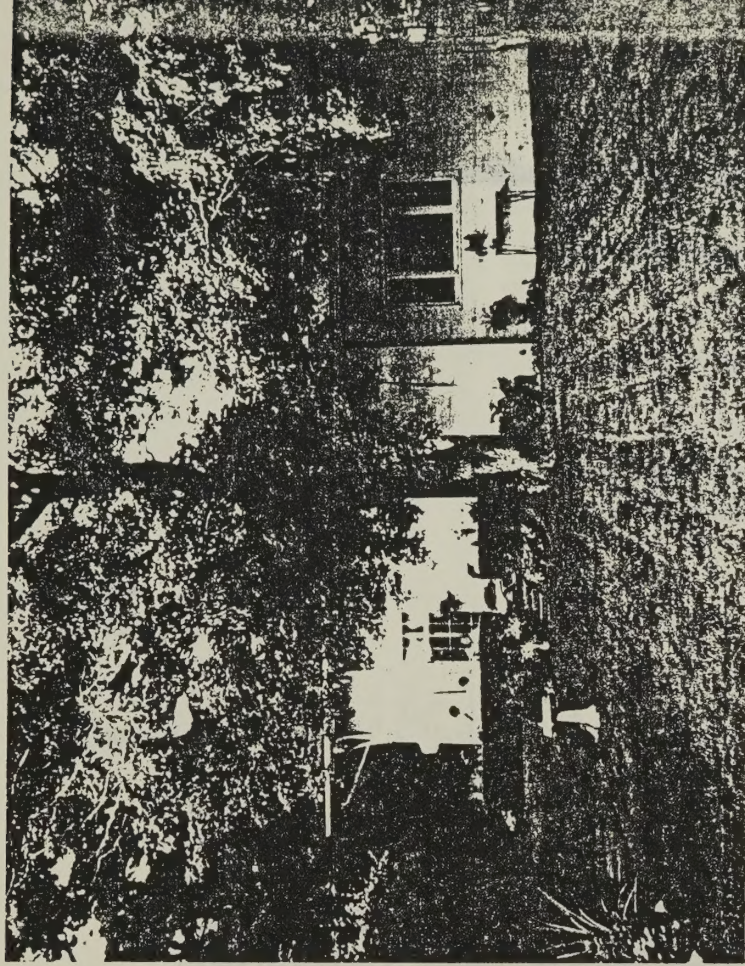
Architectural Significance

Stylistically, Inkermann Cottage is one-of-a-kind, at least in Hamilton. The house represents an unusual variation on the Ontario Regency cottage form: a one-storey structure of tall proportions, often stuccoed, with tall chimneys and casement windows. Atypical of the Regency cottage is its asymmetrical, L-shaped plan and corresponding roof form, and the large wall-mounted brackets supporting the flared eaves. These gracefully curved wooden brackets sprung from corbels and terminating in two pendants constitute the most distinctive feature of the design. Also noteworthy are the four floor-to-ceiling, multi-paned casement windows, the original doorway with its four-panelled wood door

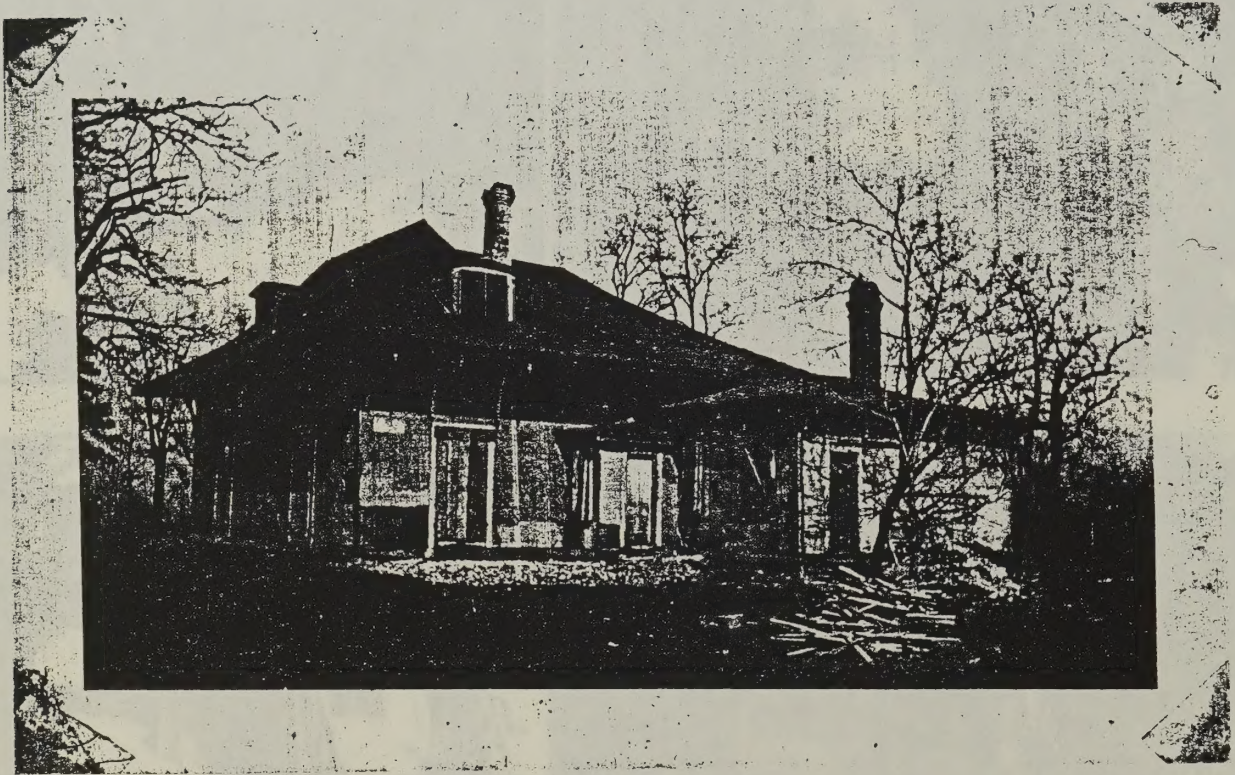
and transom, and the four original (or pre-1946) dormers with curved roofs and casement windows. The only major exterior alteration, made when the house was extensively renovated by the Dodsons, is the horizontal picture window to the left of the front doorway.

Designated Features

Important to the preservation of 988 Concession Street are the original features of the north (front), east and west facades, including the stucco finish, the original windows and doorway, and the hipped roof with its dormers and decorative brackets.



INKERMANN COTTAGE, 988 Concession Street



Rear view showing condition of house prior to being extensively renovated by the Dodsons in 1946.

PLANNING INFORMATION

988 Concession Street

DATE:

September 1990

HERITAGE STATUS:

Listed on Inventory and recommended by LACAC for designation under the Ontario Heritage Act.

NEIGHBOURHOOD:

Sunninghill

ZONING:

This property is zoned "B" (**Suburban Agriculture and Residential**). This zone requires a lot to have a minimum lot width of 20.0 m (65.92 ft) and area of 1 100.00 m² (11 840.3 sq. ft.).

No application for either a rezoning or minor variance (Committee of Adjustment) have been filed to date regarding the subject lands.

SITE PLAN CONTROL:

Not under site plan control.

OFFICIAL PLAN POLICIES:

Designated "**Residential**"- Land Use Concept of the Official Plan. Uses permitted are various types of dwellings and those which are compatible with dwellings such as public parks, institutional and local commercial uses.

It should be noted the above property is located within Special Policy Area 1B - Special Policy Areas. The lands within Special Policy Area 1 lie within the Niagara Escarpment Planning Area. It is intended that development within Special Policy Area 1B will have a minimum impact on the adjacent escarpment and, as such, will be at a scale, density and height which is compatible with the escarpment.

NEIGHBOURHOOD PLAN POLICIES: No Neighbourhood Plan

DEMOLITION CONTROL:

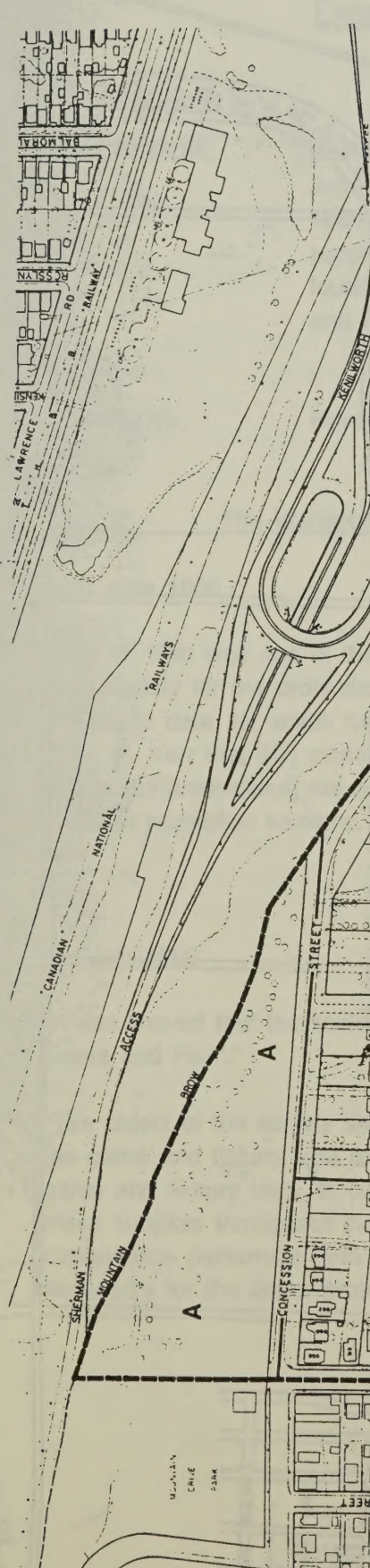
Not under demolition control.

CONTEXT:

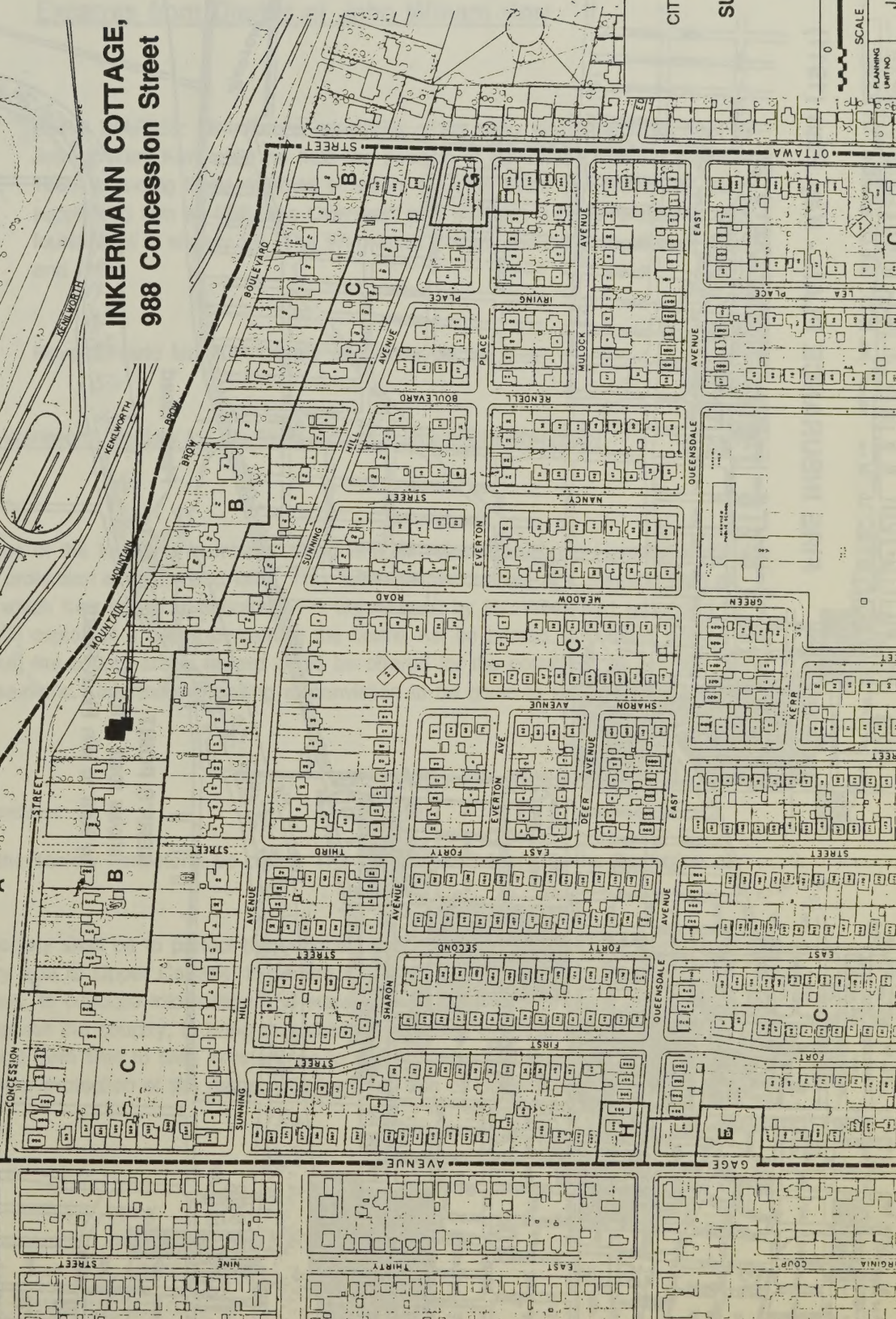
Now forms part of a residential area developed largely in the 1950s.

Set well back from the roadway on a large lot amidst well-treed and attractively landscaped grounds.

Fits comfortably into its modern suburban setting, owing to the exceptionally wide frontage of its property combined with the similar setbacks and compatible scale and height of the neighbouring houses.



**INKERMANN COTTAGE,
988 Concession Street**



CITY OF HAMILTON

SUNNINGHILL

ZONING

FIRE INSURANCE PLAN - Key Plan (1911)



1911

Excerpts from Diaries of John William Kerr

COLLECTION: KERR DIARIES: 18 volumes consisting of the diary and letterbooks kept by John William Kerr while he held the position of Fisheries Overseer (1864-1888) including three volumes of letters of John Kerr's son (1888-98), who succeeded him as Fisheries Overseer; also includes a book relating to the founding of a society for "The Wentworth Society for the Protection of Game and Fish".

LOCATION: Royal Ontario Museum Library and Archives

Book 2: The Wentworth Society for the Protection of Game and Fish (1860)

19th June 1860

John W. Kerr was one of the founding members (along with Sir Alan McNab and Harcourt Bull) of a local society for the protection of game and fish. This society was founded at a meeting held on the above date, for which Kerr acted as secretary. "It was moved by Mr. Wiley and seconded by John W. Kerr that 300 copies of a notice containing the Game Act be printed, circulated, posted and distributed [throughout] the county and a reward of \$5 be offered for the conviction of persons killing game at prohibited seasons. Information leading to conviction to be given to the secretary John W. Kerr."

3rd July 1860

"It was moved that the society henceforth be called 'The Wentworth Society for the Protection of Game and Fish'."

"The object of the society shall be to protect the various kinds of game, wild fowl and fish named in the game and fishery acts of Upper Canada, to secure as far as possible, the observance of the game and fishery laws, to circulate information and endeavour to awaken an interest in reference to these subjects throughout the country, to bring to justice the violators of these laws, [and] to memorialize parliament from time to time in reference to such changes in these laws as may appear necessary for the better protection of the game, wild fowl and fish of Upper Canada."

Book 1: John William Kerr Diaries

Vol. 1: Quebec, 16th December 1864

"John William Kerr, esquire of Hamilton is appointed a Fishery Overseer under the Fisheries Act. All well-disposed persons are requested to afford him whatever information and assistance they can towards carrying out the Fishery laws. A. Campbell, Commissioner of Crown Lands."

Vol. 1: 3rd February 1865

John W. Kerr had been asked what alterations he would like to see made to the present Fisheries Act. In response, he stated:

"A more stringent Act should be passed for the preservation of the fish in Burlington Bay and Dundas Marsh. [...] I have no hesitation in saying that it will meet the approbation of nine-tenths of the citizens of Hamilton if spears, spearing, spearing houses, nets and netting of every description, and shooting fish and pike in spawning season [...] is so fixed by law that any person as well as a Fishery Officer, may remove and destroy these illegal fishing implements. I believe angling in Burlington Bay and Dundas Marsh is a sufficient, fair mode of fishing for all."

Vol. 1: 27th March 1865

With the death of Captain Baxter of Niagara, the Commissioner extended Kerr's limits to include the County of Lincoln; his supervision then extended eastward to the City of Toronto, including the Harbour.

Vol. 1: 12th July 1865

"I was accosted by William Cumming [of] the City of Hamilton, who offered to give me \$10 if I would allow him to fish with a net in Burlington Bay and that no person should know anything about it. My determination was instantly made up in this case; I swore in formation against him for attempting to bribe [...]."

Vol. 8: 1st July 1878

"There is no use in stocking Lake Ontario with white fish fry and salmon fry, only to have them all caught up in June with illegal reines[?] I don't care much to tell you about the privations I encounter in cases of this kind."

Vol. 8: Front cover of circular of Department of Marine and Fisheries, Ottawa, 15th December 1879.

"Sir: The minister's attention having been called to the fact that Fishery Officers in the provinces of Ontario and Quebec are accustomed to enforcing the game laws voluntarily with their duties under the fishery laws and objection being made there to on account of the former statutes being provincial acts and not necessarily subject to federal authority, which enforcement the objectors also assume to involve some expense, however trifling, to the Dominion treasury. I am desirous to instruct you that in future all matters connected with laws for protecting and preserving game, other than fish, must, so far as your official capacity is concerned be left to the entire control of the provincial authorities and the voluntary action of private individuals."

PLANNING INFORMATION

988 Concession Street

DATE: September 1990.

HERITAGE STATUS: Listed on Inventory and recommended by LACAC for designation under the Ontario Heritage Act.

NEIGHBOURHOOD: Sunninghill

ZONING: This property is zoned "B" (**Suburban Agriculture and Residential**). This zone requires a lot to have a minimum lot width of 20.0 m (65.92 ft) and area of 1 100.00 m² (11 840.3 sq. ft.).

No application for either a rezoning or minor variance (Committee of Adjustment) have been filed to date regarding the subject lands.

SITE PLAN CONTROL: Not under site plan control.

OFFICIAL PLAN POLICIES: Designated "**Residential**"- Land Use Concept of the Official Plan. Uses permitted are various types of dwellings and those which are compatible with dwellings such as public parks, institutional and local commercial uses.

It should be noted the above property is located within Special Policy Area 1B - Special Policy Areas. The lands within Special Policy Area 1 lie within the Niagara Escarpment Planning Area. It is intended that development within Special Policy Area 1B will have a minimum impact on the adjacent Escarpment and, as such, will be at a scale, density and height which is compatible with the Escarpment.

NEIGHBOURHOOD PLAN POLICIES: None

DEMOLITION CONTROL: No

OBITUARY

John William Kerr

Hamilton Spectator, May 10th, 1888

OBITUARY.

JOHN W. KERR.

The genial countenance of John W. Kerr, the venerable fishery inspector, will be seen no more on the streets. He died at his residence on the mountain Tuesday at 11 o'clock, from a complication of diseases, at the ripe age of 76 years. Mr. Kerr was a native of the county of Fermanagh, Ireland, and for some years held the position of inspector in the Irish constabulary. He removed from Ireland to Canada some 40 years ago, and first settled in London. He was employed in the postoffice of that town for ten years and then removed to Hamilton, where he was in the employ of the Great Western railway company. In 1864 the question of better protection to the fish of the inland waters, as well as the game of the country, was agitated in the leading papers of this province, and Mr. Kerr was appointed inspector for this district. He was then in the prime of life, and he made short work of many of the poachers and trespassers. He was a man of indomitable pluck and endurance, and in a few years he had all the law-breaking fishermen of this part of Canada completely under his subjection. From his residence at the turn of the Hamilton mountain he could sweep his telescope for twenty miles in all directions at early dawn, and if anything suspicious was drawn into the field of his glass he was away and would pounce on the offenders before they had properly got to work. He also traveled in different directions around the lakes, and surprised illegal fishermen from Parry sound to the Thousand islands. Mr. Kerr was a very efficient officer, but of late years he had been in failing health, and his death was not unexpected by his intimate friends. Mr. Kerr was a Conservative in politics, and in former years took an active part in county and Barton township matters. He represented the latter township for many years in its council. He leaves a widow, five daughters and three sons. He was a member of St. John's and Temple lodges, A. F. and A. M., and will be buried with Masonic rites to day at 2 p.m.

FOR ACTION

2b

REPORT TO: Charlene Coutts
LACAC Secretary

DATE: Sept. 17, 1990.

FROM: A.L. Georgieff
Director of Local Planning

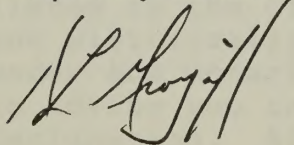
SUBJECT: 74 Charlton Avenue East - Designation Recommendation

RECOMMENDATION:

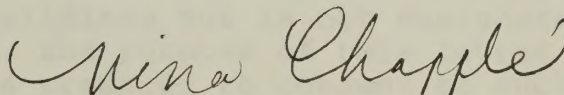
That City Council give approval to the "Intent to Designate" the house at **74 Charlton Avenue East** as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.

That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Respectfully submitted,



A.L. Georgieff, M.C.I.P.
Director of Local Planning



Nina Chapple
Architectural Historian

NOTE: The lawyer for the St. Elizabeth Home Society has sent the attached letter advising that his client has consented to designation.

FINANCIAL IMPLICATIONS

N/A

BACKGROUND:

1. Following notification in January that the St. Elizabeth Home Society had made a second application to the N.E.C. to demolish this "listed" 1870s Italianate house, this time for a parking lot, the Research Sub-Committee recommended that it be designated under the Ontario Heritage Act. Its eligibility for designation was approved by LACAC but the Committee deferred making a recommendation pending a special meeting held March 26th to discuss the matter further. The designation recommendation was subsequently tabled and has not yet been forwarded to the Planning and Development Committee.
2. At its meeting held July 26th the Niagara Escarpment Commission voted unanimously to deny the application to demolish the house. The lawyer for the St. Elizabeth Home Society subsequently wrote the attached letter to the Director of Local Planning, indicating that his client was prepared to consent to the designation of the building under the Ontario Heritage Act. Alternatively, the Society was prepared to give the building to the City of Hamilton, provided that it would be moved from its present location.
3. Reasons for Designation and background material attached.

Terence A. Whelan, Q.C.

BARRISTER, SOLICITOR AND NOTARY PUBLIC

Suite 403, 393 Rymal Road West, Hamilton, Ontario L9B 1V2

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH	
File No.	JUL 30 1990
Telephone	(416) 383-6381
Fax	(416) 574-6161
JUL 27 1990	
RECEIVED	
N.C.	

July 27th, 1990

V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning & Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

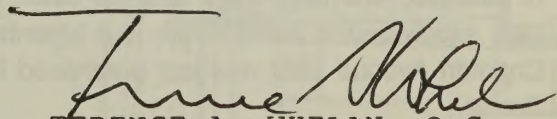
Dear Mr. Abraham:

I am the solicitor for the St. Elizabeth Home Society (Hamilton, Ontario) my client being the owner of the property known for municipal purposes as 74 Charleton Avenue East, Hamilton, Ontario.

Since I understand that my client's property has been listed in the City of Hamilton's Inventory of Architecturally and Historically Significant Buildings but is not designated under the Ontario Heritage Act, the purpose of this letter is to advise you that my client is prepared to consent to such a designation. Alternatively, the Society is prepared to make a gift of the building in question to the City of Hamilton, provided such building is removed from its present location within six months from the delivery of the Deed of Gift.

Would you please see that my client's proposal is submitted to the Hamilton Local Architectural Advisory Committee for its consideration?

Yours very truly,


TERENCE A. WHELAN, Q.C.

TAW:sm

cc - Ms. Ann Gillespie

DRAFT REASONS FOR DESIGNATION

74 Charlton Avenue East

This 2 1/2 storey brick Italianate house, situated at the south-east corner of Charlton Avenue East and John Street South, was built in 1878-9 for merchant Joseph Hancock.

Context

The house now forms part of an isolated cluster of 19th century buildings between Charlton Avenue East and Forest Avenue, whose focal point is the impressive Gothic Revival stone structure of the Church of the Ascension on the west side of John Street South. Opposite the church and its connected buildings is a row of late Victorian brick houses. In the late 19th and early 20th centuries, the house formed part of a residential area extending to the foot of the escarpment and including a number of substantial brick and stone residences, many of which have been lost due to the expansion of St. Joseph's Hospital.

Architectural Importance

74 Charlton Avenue East constitutes a distinctive example of the Italianate style which gained widespread popularity for houses built across the country in the 1870s. Moreover, it is one of relatively few surviving in Hamilton and one of even fewer representing the classical interpretation of this style. Typical of all Italianate houses are the tall round-headed windows and doorway, and the low-pitched hip roof with wide, bracketed eaves. Characteristic of the classical Italianate ones are the cubic form, symmetrical facade, and central projecting frontispiece with a pedimental gable roof. Noteworthy details include the stone lintels and caps with prominent keystones, the stone corner quoins, and the paired wooden eave brackets.

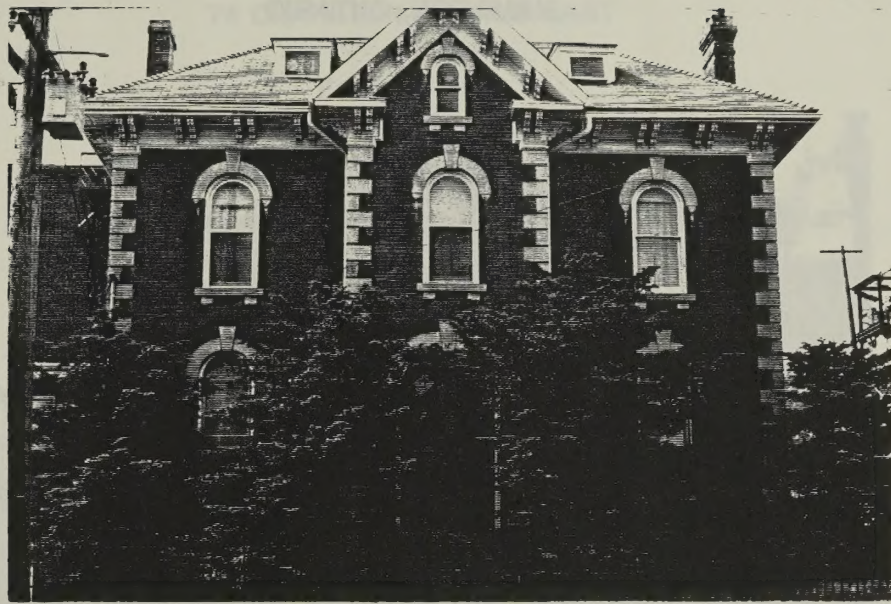
This well built and designed house still has most of its original exterior features intact, the only significant alteration being the removal of the original pairs of arched wooden entrance and vestibule doors, the latter of which displayed elaborate leaded and beveled glass panels.

History

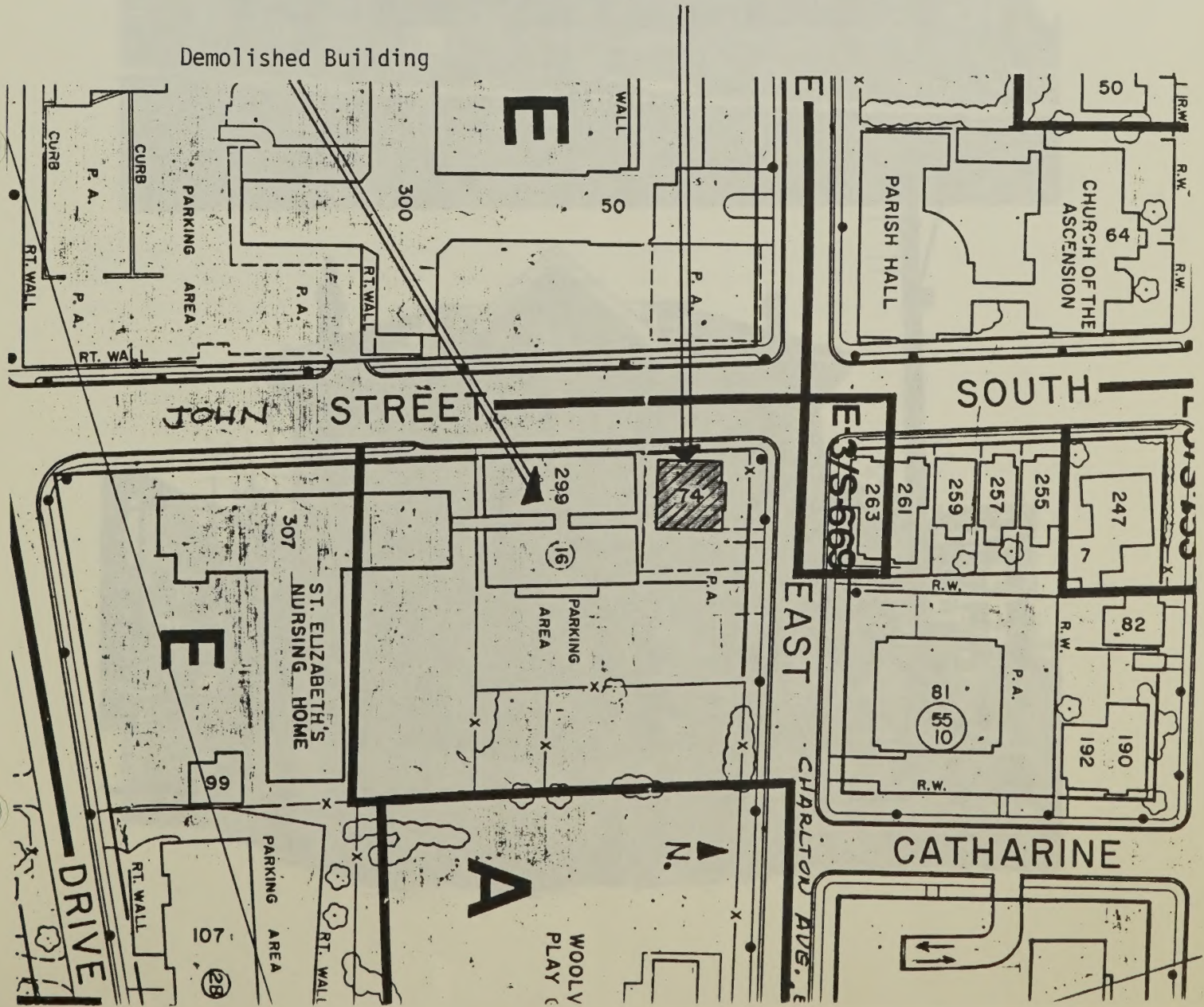
The house was occupied by the original owner, Joseph Hancock, until his death ca. 1887 and then by postmaster H.N. Case until 1895. In 1904, it was sold by Hancock's trustees to merchant George F. Glassco, who lived there until his death ca. 1932. The house was sold again in 1938 and was then subdivided to accommodate four tenants. After changing ownership several more times, 74 Charlton Avenue East was last purchased in 1977 by the current owner, the St. Elizabeth Home Society.

Designated Features

Important to the preservation of 74 Charlton Avenue East are the original features of north, east and west facades, including the decorative stone quoins, lintels and arches, and the wooden eave brackets.



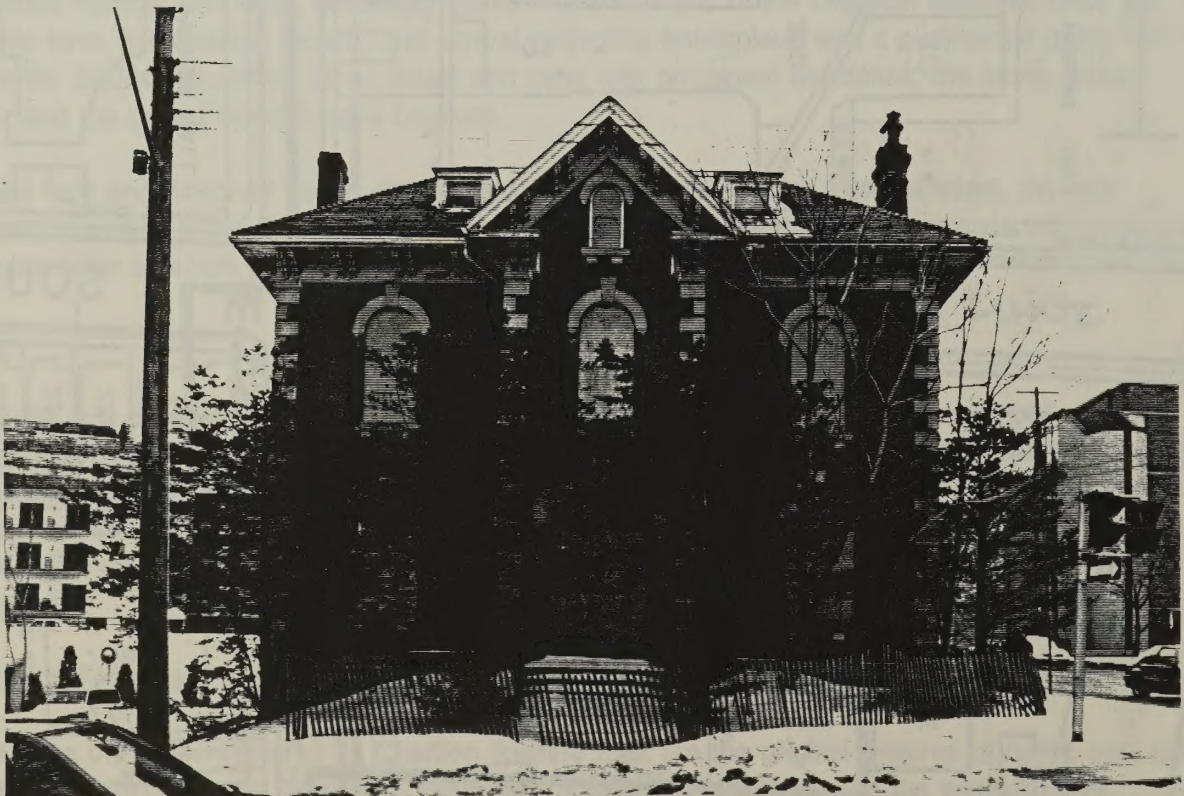
74 Charlton Ave. East



**74 CHARLTON AVENUE EAST
HAMILTON, ONTARIO**



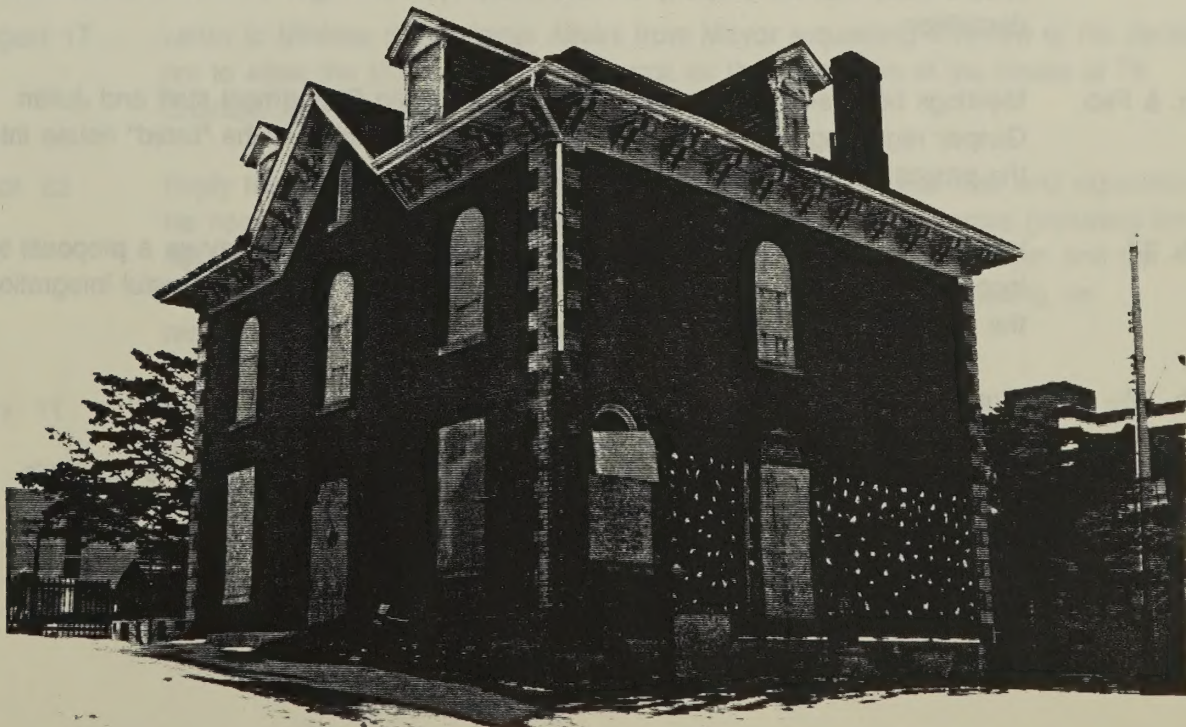
1970s



February 1990

74 CHARLTON AVENUE EAST

February 1990



CHRONOLOGY

74 Charlton Avenue East

Hamilton, Ontario

The following chronology relates to the house at 74 Charlton Avenue East, which is listed on the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest and is considered by LACAC to be eligible for designation under the Ontario Heritage Act (see Draft REASONS FOR DESIGNATION). It includes:

- recommendations made by LACAC with respect to the proposed demolition, the preservation and the designation of 74 Charlton Avenue East; plus approval of its recommendations by the Planning and Development (P&D) Committee and Council.
- meetings with the project manager for the proposed new nursing home, Julian Gaspar.
- Development Permit Applications made to the Niagara Escarpment Commission (N.E.C.) by the owner of the property, the St. Elizabeth Home Society.

1986

- | | |
|-------------|---|
| Jan. 27 | LACAC discussed the proposed nursing home and whether 74 Charlton Avenue East could be incorporated into this new development. It was agreed that appropriate staff should meet with the property owners and project manager to discuss alternatives to demolition. |
| Jan. & Feb. | Meetings between LACAC representatives, Planning Department staff and Julian Gaspar regarding the possible retention and incorporation of the "listed" house into the proposed nursing home development. |
| Feb. 24 | LACAC, as requested by the Planning Department, agreed to review a proposal to incorporate the house and provide advice with respect to the successful integration of the old and new structures. |
| Feb. 27 | Final meeting with Julian Gaspar, LACAC representatives and City staff. |
| Mar. 3 | Letter from Julian Gaspar advising LACAC of the St. Elizabeth Home Society's decision not to preserve the house. |

- June 10 In response to request from N.E.C. for LACAC's comments on the proposed demolition of the house, LACAC re-affirmed its strong opposition to demolition and recommended that it be preserved, either as part of the nursing home complex or as separate professional offices.
- Oct. 15 P&D Committee's approval of Site Plan Control Application DA-85-38 for a 180-bed nursing home, permitting the demolition of the both the apartment building at 299 John Street South and the historic house at 74 Charlton Avenue East.
(NOTE: The Planning and Development Department had recommended that the application be tabled in order for the applicant to modify the plans to incorporate the house.)
- Oct. 28 Council approval of P&D Committee's recommendation.
- Nov. 14 N.E.C. approves St. Elizabeth Home Society's application for a development permit to demolish the existing house at 74 Charlton Avenue East (W/R/85-368).

1987

- Jan. 20 Hearing for appeal of N.E.C.'s approval of above development permit application.
- June 2 Notice of Decision of the Minister of Municipal Affairs, Bernard Grandmaitre directing the N.E.C. not to issue a development permit for the demolition of the existing house and to issue a development permit for the demolition of its one-storey addition and the construction of a four-storey nursing home subject to the attached conditions on applications W/R/85-369 and W/P/ 86-7/42.
- July 28 Council requested Minister of Municipal Affairs to review his decision re: 74 Charlton Ave. E.
- August 17 Letter to Minister of Municipal Affairs from Mayor requesting a review of his decision not to allow the N.E.C. to issue a permit for the demolition of the house at 74 Charlton Ave. E.
- Sept. 23 Reply from Minister to Mayor, confirming that his position was final and expressing his hope that a thorough investigation would be made by all parties (including the developer, the Ministry of Citizenship and Culture, the City of Hamilton and the Hamilton LACAC) of the possibility of preserving this heritage building, as recommended by the hearing officer.
- Nov. 11 Above letter referred to P&D Committee, who in turn referred it to LACAC for comment.

1988

- Jan. 22 In response to above request, LACAC reiterated its position that the building not be demolished and that, in the light of the Minister's expressed hope, the Committee would be prepared to recommend designation of the property at 74 Charlton Ave. E.

1990

- Jan. 22 N.E.C. advises Planning Department of second application by the St. Elizabeth Home Society to demolish the vacant house (W/D/89-90/302); proposed use of site to be parking lot for adjacent nursing home.
- Feb. 26 LACAC recommended:
- 1) that the "listed" 1870s Italianate house at 74 Charlton Ave. E. be designated under the Ontario Heritage Act and that this recommendation be accompanied by a copy of the Notice of Decision of the Minister of Municipal Affairs not to allow its demolition. (NOTE: This recommendation was subsequently tabled and (as of LACAC's last meeting in June), has not been forwarded to the P&D Committee.)
 - 2) that the N.E.C. and the Development Plans Review Section of the Ministry of Culture and Communications' Heritage Branch be notified of LACAC's recommendation.
- May 24 N.E.C. forwarded additional information: cost estimate for rehabilitation prepared by Tri-King Construction Ltd.
- May 28 LACAC recommended that a letter be sent to the N.E.C. advising that the property at 74 Charlton Ave. E. has been considered eligible for designation under the Ontario Heritage Act. The Committee agreed that the cost estimate for rehabilitation submitted to the N.E.C. by the St. Elizabeth Home's Society's lawyer seemed far too high.

City can have Victorian house if it's moved: St. Elizabeth lawyer

By ERIC MCGUINNESS
The Spectator

HAMILTON CAN have a century-old house on Charlton Avenue East as a gift, if it's moved to another site within six months, says the owner's lawyer.

The offer appears in a letter being delivered to Mayor Bob Morrow this weekend, according to Terence Whelan, representing the St. Elizabeth Home Society, a charity that also owns St. Elizabeth Village on Rymal Road.

Mr. Whelan said the society cannot afford to restore the empty, run-down brick dwelling and doesn't want to keep paying tax of more than \$700 a year for the property on the southeast corner of Charlton and John Street South.

In an interview yesterday, the lawyer said he was surprised the Niagara Escarpment Commission won't allow the house to be torn down.

Mr. Whelan also complained about actions of the Local Architectural Conservation Advisory Committee and comments made at a LACAC meeting this week.

"I knew nothing about that LACAC meeting and have had no discussions with LACAC in recent years; all I know is what I read in the newspaper."

The house has been on the inventory of significant buildings since at least 1986 and I don't know why the city hasn't formally designated it yet."

Designation under the Ontario Heritage Act does not prevent demolition, but does give the city power to delay demolition for six months.

In this case, however, the escarpment commission has the final say, because the land is south of Charlton Avenue.

Four years ago, the commission voted to allow demolition, but the decision was overturned when another John Street property owner appealed to save the house. On Thursday, the commission rejected a new demolition application.

Mr. Whelan said the society has not yet decided whether to appeal.

According to senior planner Bruno Carusetta, commissioners went along with a staff recommendation that was based on the earlier appeal ruling and objections from both LACAC and the Ontario Ministry of Culture and Communications.

He said commissioners also felt the St. Elizabeth Home Society had not adequately explored possible uses and had not done enough to protect the building from decay.

"They saw the lack of preservation, that the owner had let it lapse into a state of disrepair."

Mr. Whelan blames the deterioration on vandals and transients who break in despite society efforts to keep the house boarded up.

He also denies LACAC member Reg Wheeler

er's suggestion that the society wants to tear down both the house and the adjacent St. Elizabeth Nursing Home in order to sell the site for redevelopment.

The Ministry of Health, which took over the 184-bed nursing home and cancelled its licence in 1987, is due to return the four-storey building to the society as soon as new facilities are ready for residents.

Mr. Whelan said the society intends to turn it into a second-level lodging home, for the elderly, similar to St. Elizabeth Villa at the retirement village on Rymal Road.

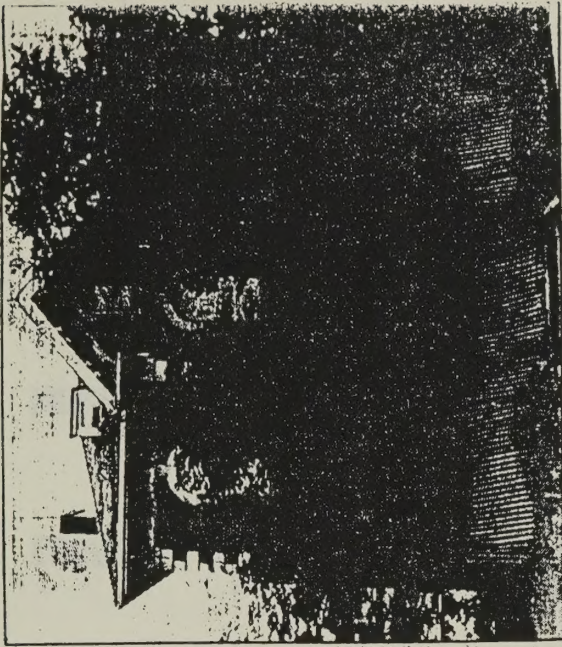
LACAC voted in February to recommend 'heritage designation', but never notified the owner or sent the recommendation to city council.

Mr. Whelan now invites LACAC to follow through, saying, "It's time for them to move, to show how serious they are."

But he also admits the society will not use the heritage designation to seek grants or loans for restoration because "I don't see any rational use of that property."

LACAC files suggest the house is worthy of designation more for its architecture than its history.

It was built in 1878-79 for merchant Joseph Hancock and is said to be one of Hamilton's few surviving examples of an Italianate, neoclassical design popular across Canada in the 1870s.



House at Charlton and John belongs to St. Elizabeth Home Society

The Spectator

SPECTATOR - JULY 27/90.

Hamilton Spectator July 20th 1990

Escarpment commission set to decide fate of historic house

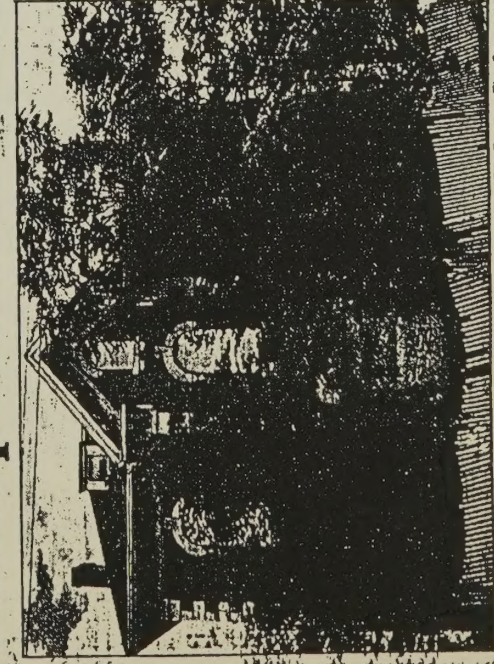
By ERIC MCGUINNESS
The Spectator

THE NIAGARA Escarpment Commission is expected to rule tomorrow on the St. Elizabeth Home Society's new bid to tear down an 1870s house at John Street and Charlton Avenue in Hamilton.

An earlier application was approved by the escarpment commission in 1986, but the then-minister of municipal affairs upheld an appeal and said every effort should be made to save the building.

The home society is a registered charity that owns the adjacent St. Elizabeth Nursing Home on John Street South and the St. Elizabeth retirement village on Rymal Road.

According to commission planner Martin Killian, the new application says the vacant site would be used for parking, but former



The house is on the city's list of historically significant buildings.

Eric Paxton, The Spectator

aldermen Reg Wheeler thinks the society wants to tear down both the nursing home and the 19th-century house in order to sell the site.

"They intend to pull down the nursing home as soon as it is closed, and the house as well," he told other members of the Local Architectural Conservation Advisory Board yesterday.

"They're sitting on a very valuable piece of land and are interested in only one thing — tearing it down," he said.

The red-brick house at 74 Charlton Avenue East is on the city's list of architecturally and historically significant buildings.

It has been vacant since the society first sought to demolish it to make way for a new nursing home.

But the province took over the existing nursing home and cancelled its licence in 1987, after inspectors complained of inadequate care, dirt, cockroaches and urine smells in the 184-bed facility.

Instead of appealing the seizure, the society asked the health ministry to move the residents and turn back the empty building. That's due to happen next month.

Mr. Killian said this week's escarpment commission meeting in Georgetown is open to the public, but there is no obligation to notify neighboring property owners of the permit application.

old house into four condominium apartments.

Researcher Ann Gillespie said the NEC wanted to know if the city advisory board would still recommend saving the house at that price.

"It's unfair to stick us in the middle of a dollars-and-cents debate," argued member Jane Rigby. "Our mandate is to say the building's worth saving, that's it."

"But someone has to make the point that the estimate's wrong," said Alderman Bill McCulloch. "The cost has to be challenged by someone."

Alderman John Smith said he was unhappy that the home society had already torn down two small apartment buildings, instead of refurbishing them.

"I don't know what their charter mandates them to do as a charity, but I think it should be affordable housing," he said.



The city of San Francisco has a plan to move Victorian houses to 18th St. by 1976. The plan is part of a larger effort to preserve the city's historic architecture. The houses are being moved from their original locations to a new area on 18th St. The city hopes to create a historic district that will attract tourists and increase the value of the area. The plan has been met with some opposition from those who believe the houses should remain in their original locations. However, the city is determined to move forward with the plan.

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Escalating competition set to drive out of business

The competition is escalating in the market for... The companies are competing for... The market is becoming increasingly competitive...

The competition is escalating in the market for... The companies are competing for... The market is becoming increasingly competitive...

The competition is escalating in the market for... The companies are competing for... The market is becoming increasingly competitive...

3b

FOR INFORMATION

REPORT TO: Charlene Coutts
LACAC Secretary

DATE: Sept. 17, 1990

FROM: A.L. Georgieff
Director of Local Planning

SUBJECT: St. Mark's Anglican Church, 130 Bay Street South - Results of OMB Hearing

The Ontario Municipal Board Hearing for the appeal by the prospective owner, St. Mark's Non-Profit Housing Inc., of Council's decision to deny the Zoning Application (89-91) to permit the proposed non-profit housing development took place August 27th to 31st. Notwithstanding Council's denial of the rezoning, the application was approved by the OMB with no conditions.

CITY OF HAMILTON

- INFORMATION -

REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

SEP 6 1990

DATE: 1990 September 5

REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Philip R. A. Hooker
Manager of Legal Services

Philip R. A. Hooker

SUBJECT: Appeal to the Ontario Municipal Board
St. Mark's Anglican Church property
130 Bay Street South (at Hunter St. W.)
ZA-89-81

OUR FILE: 100-5/90.3

FINANCIAL, LEGAL, STAFFING IMPLICATIONS: - (No staffing implications. Legal implications discussed below. Financial implications unknown).

BACKGROUND: - Appeal by St. Mark's (Hamilton) Non-Profit Housing Inc. of Council's refusal of rezoning of 130 Bay Street South

DISCUSSION:

This is a report on the outcome of the 5-day hearing of an appeal by the Ontario Municipal Board (Mr. W. Rodman, hearing member), which hearing concluded on August 31, 1990.

On December 12, 1989, Council denied, on the recommendation of the Planning & Development Committee of November 29, 1989, the application of St. Mark's (Hamilton) Non-Profit Housing Inc., (the appellant), for a rezoning of the captioned property to enable it, as prospective owner of the land (to be acquired by it from the Synod of the Niagara Diocese of the Anglican Church of Canada), to erect a 10-storey, 48-unit affordable housing complex, with about 8,000 square feet of Anglican Church of Canada Niagara Diocese office space within the vacant St. Mark's Anglican Church. An underground parking garage for 44 cars is also included. The proposal would have retained roughly the eastern half of the church, up to the main vestibule/entrance door, in which to house the Diocesan office space, incorporating a new second storey. The rest of the church is intended by the appellant to be demolished to erect the 10-storey housing complex.

After hearing from at least a dozen witnesses, including 4 called to give evidence for the City and 4 citizens, 2 of whom represented local groups, and after the filing of 34 exhibits and the hearing of full argument, the sitting member of the Ontario Municipal Board, Mr. W. Rodman, issued a 1 1/2 hour-long oral decision, entirely approving the proposal and allowing the appeal accordingly. His decision involves amending the general zoning by-law, by Order of the Board, without requiring further action by the Council, to allow the proposal.

A key factor in his decision was the affordable housing component of the proposal under review, on which issue almost all witnesses agreed there was a need in Hamilton and in this near-downtown area. The Ministry of Housing witness, who testified for the appellant, emphasized that the Ministry's funding approval deadline for this proposal expires at the end of this year. Failure to approve the proposal would likely result in the funding going to some other locality than Hamilton.

Recent decisions of the OMB on the subject of affordable housing indicate that, as required by the amendment to The Planning Act, made roughly a year ago, the Board must give considerable weight to the Ministerial Policy Statement goals in deciding applications such as this. The Member emphasized this in his decision but also pointed out at great length and in detail, that in his opinion, this proposal deserved approval as representing good planning in any event, because of compatibility with the existing character of the immediate area (high rise, residential apartment buildings, albeit built several years ago), the partial preservation of the listed, undesignated historic church, etc.

He found the several variances required to be made to the general zoning by-law reasonable having regard to the special characteristics of, and problems inherent in dealing with, the relatively small site, which he described as unique.

He further emphasized that no other plan that the applicant was willing to consider would save the old church building, even partially. The member several times in his oral decision pointed out that his decision should not be considered an adverse precedent, but rather, that it pertains uniquely to this site and its peculiar facts. He accepted the appellant's argument that the Diocesan office use would be considered a "major institutional" use under the City's Official Plan, and thus could not be considered in any way "commercial" according to the Official Plan or the general zoning by-law. He decided that the general intent of the Official Plan policies was met herein.

When available, the written version of the oral decision, which will be lengthy, will be provided to you.

While the decision is disappointing, we do not recommend an appeal for the following reasons:

1. A full and unhurried hearing of both sides of the case was held over a period exceeding 4 1/2 days, so that the City cannot allege a loss of legal jurisdiction by the Board on the basis of a one-sided or biased decision. (Section 95 of the Ontario Municipal Board Act permits an appeal to the Divisional Court only on a question

of law and then only with leave of the court. There is no question of law here). On the contrary, the Board clearly has the power to decide as it did.

2. The decision is in keeping with recent decisions of the OMB involving affordable housing. In some decisions, it appears that various "traditional" planning concerns are reduced in impact by the overriding demands of the Housing Policy Statement, to which all agencies, municipalities and the Board itself are required to adhere by The Planning Act. Nevertheless, as stated above, the member said that this proposal, for various detailed reasons, satisfied both the Policy Statement and "good planning" considerations. He called it "certainly a good compromise in planning terms".
3. The particular facts of the case, including the desire of some in the community to preserve at least some of the old church building, are reflected in the reasons for decision.
4. Given the above, a court would not give leave to appeal, nor reverse the Board's decision in our opinion.

We do not know when the written decision will be received. We are reporting this appeal result to you now because of the apparent wide interest of the City Council and various civic departments in the future of this site. Over the past year or so, the Finance & Administration and Parks & Recreation Committees and LACAC have discussed the City's possible acquisition of this site for various civic purposes. These considerations however, did not result in any definite Council resolution to acquire the land.

PRAH:sr

- c.c. Mr. J. D. Thompson, Secretary, Finance & Administration Committee
 Mr. Lou Sage, Chief Administrative Officer
 Mr. A. L. Georgieff, M.C.I.P., Director, Local Planning Division
 Mr. L. King, Building Commissioner
 Mr. R. Sugden, Director of Culture & Recreation
 Ms. Nina Chapple, LACAC
 Mr. E. M. Gill, Acting Commissioner, Regional Engineering Department
 Mr. M. F. Main, P. Eng., Director of Traffic Services
 Ms. P. Noé Johnson, City Solicitor

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

LOCAL PLANNING BRANCH				
File No.				
SEP 17 1990				
TO	STAFF	CITY HALL	INFO	ACT.
DIR.		HAMILTON, ONTARIO		
PP & A		LLBN 3T4		
NEIGH.		TEL: 546-2700		
		FAX: 546-2095		
DEV.				
ES & C				
STAFF				
CART.				
ADMIN.				

NOTICE OF SPECIAL MEETING OF CITY COUNCIL

TO: MEMBERS OF CITY COUNCIL.

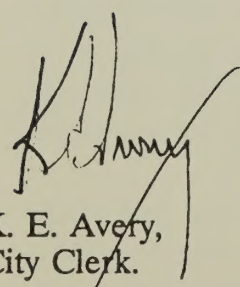
Special Meeting of City Council

TUESDAY, SEPTEMBER 18, 1990

5.00 o'clock, p.m.

Room 233, City Hall.

PURPOSE: To Discuss the Attached Correspondence and Offer from The Most Reverend John C. Bothwell, Archbishop of Niagara, re St. Mark's Church, Bay Street South, Hamilton, Ontario.


K. E. Avery,
City Clerk.

Attch.

cc: Civic Department Heads.

Church wins battle to build apartments

By ERIC MCGUINNESS
The Spectator

ARCHBISHOP JOHN Bothwell is pleased the Ontario Municipal Board will let the Anglican Diocese of Niagara build offices and a 10-storey apartment building on the site of St. Mark's Church at Bay and Hunter streets in Hamilton.

"The general outcome is good and fair," the archbishop said yesterday.

"It's a very exciting project that preserves a lot of the open space, plus part of the church — although we don't think the church is particularly historic or beautiful."

City council refused to rezone the church property in December, on the advice of planners who said the project would be an overly intense use of the land, incompatible with the surrounding area.

A non-profit housing corporation set up by the Anglican diocese appealed council's decision and won last Friday, at the end of a week-long hearing.

Board member Ward Rodman reportedly ruled that the project should proceed because it will preserve part of the 19th-century church building and the landscaped churchyard while providing needed housing.

Laurelann Prociuk, who gave evidence on behalf of the Durand Neighborhood Association, said yesterday she was disappointed the OMB had not been swayed by concerns about density of development, traffic and parking.

On the other hand, she acknowledged the need for affordable housing and said architect Trevor Garwood-Jones had tried to address residents' concerns.

"Certainly the church has a right to make valid use of their own property," said Mrs. Prociuk, "but we hoped the project might be switched to another site or that the city would make an offer to buy St. Mark's."

Archbishop Bothwell said the non-profit housing corporation would meet immediately to get the project going, but would still listen to other ideas for the site.

"If the city wants to make a land exchange, we're still open, but time is running out. We intend to move ahead, but the door is not finally closed; we will continue to try to be reasonable.

"Our intentions had always been to serve and help the community, rather than to sell the property and take a land profit."

Designs submitted at the OMB hearing show the east end of the church, facing Bay Street, being converted to offices for the Anglican diocese which now operates from Niagara Church House on Victoria Avenue South. The bell tower would become a chapel.

A 10-storey building attached to the church would include two levels of underground parking and 48 apartments, most with one or two bedrooms.

St. Mark's Church closed because of declining attendance.



John Bothwell: pleased

FOR INFORMATION

3c

REPORT TO: Charlene Coutts
LACAC Secretary

DATE: Sept. 17, 1990

FROM: A.L. Georgieff
Director of Local Planning

SUBJECT: Tivoli Theatre

1. The Designation By-law for the Tivoli Theatre at 108-112 James Street North was passed by Council August 28, 1990.
2. On August 14, a meeting was held to discuss the proposed restoration. Present were the Mayor, Alderman McCulloch, Sam Sniderman (owner), Brian Robertson (project manager), Reg Wheeler (LACAC representative) and Nina Chapple (LACAC staff).
3. A copy of the restoration proposal prepared by David K. Mesbur Architect Ltd. is available in the Planning Department.
4. Attached is an announcement for a heritage award won by Sam Sniderman for the adaptive re-use of the Exchange Building, at 568 Seymour Street in Vancouver.

THE CITY OF VANCOUVER CELEBRATES ITS HERITAGE

Every Year the City of Vancouver Heritage Awards
acknowledge the special projects and
accomplishments which have furthered the goal
of heritage conservation in this city.

ADAPTIVE RE-USE OF A HERITAGE BUILDING

Winner : Sam the Record Man

Project : Exchange Building, 568 Seymour Street

Architect : Baker, McGarva, Hart, Architects

Originally constructed in 1913, the Exchange Building has been transformed into a record store. Even though the new storefront has a decidedly modern look, it combines well with the terra cotta on

the upper floors and the overall historic fabric of the building. To satisfy seismic requirements, the glass storefront incorporates structural steel members and to hide the unattractive elevator penthouse a parapet was added to the top of the building.

Providing an interesting feel to the interior space is a clever blending of the owner's collection of musical memorabilia against early 20th century wrought staircase, light fixtures and tile work.

FOR INFORMATION

3d

REPORT TO: Charlene Coutts
LACAC Secretary

DATE: Sept. 17, 1990

FROM: A. L. Georgieff
Director of Local Planning

SUBJECT: Pigott Lobby Windows

The transaction for the re-installation of the six original stained glass windows in the lobby of the Pigott Building has been completed. A lease agreement has been registered on title and the windows have been insured. A cheque for \$15,000 has been received by the City, \$3,240 of which is to be returned to the Heritage Hamilton Foundation (which contributed this amount to their purchase).

Provisions for their installation by Robert McLausland Limited (the firm which fabricated and restored the windows) have been made, as outlined in the attached letter. Arrangements were made by LACAC staff for the transferral of the windows to this company and they were picked up from the City's Barton Street warehouse by Andrew McLausland on September 4th.



Robert McCausland Limited

Artists & Craftsmen of Stained Glass since 1856

30 Chauncey Avenue, Toronto, Ontario M8Z 2Z4 Telephone (416) 233-9530

August 13, 1990

Mrs. Nina Chapel
The Local Architectural Conservation
Advisory Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8P 1H4

Dear Mrs. Chapel:

RE: Pigott Building
Hamilton, Ontario

Thank you for your telephone call the other day regarding the disposition of the stained glass windows in the Pigott Building in Hamilton, Ontario.

These windows were restored by our company several years ago and are in good condition. We will put the windows back into the existing frames and will add a high impact polycarbonate plastic on the inside of each window in order to prevent any vandalism which may occur in the future, and on the back of each window we will place a sign plastic which will disperse the artificial light which the Reemark Group is supplying.

Robert McCausland Limited will be in charge of installing the inside protective plastic, and the sign plastic as well as the installation of the windows. This plastic will not hinder the appearance of the windows in any way. We have given the Reemark Group instructions to place a specific type of sunlight fluorescent bulb behind the windows in order to enhance the appearance of the windows.

If you have any further questions Mrs. Chapel, a letter or telephone call to me personally will receive immediate attention.

Sincerely,

Andrew McCausland
AMcC:pk

RECEIVED
PLANNING & DEVELOPMENT

AUG 20 1990

REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

L A C A C

4

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

FOR ACTION

REPORT TO: Charlene Coutts
LACAC Secretary

DATE: Sept. 17, 1990

FROM: Rob Brough, Chairman
Research Sub-Committee

SUBJECT: Additlons to Inventory

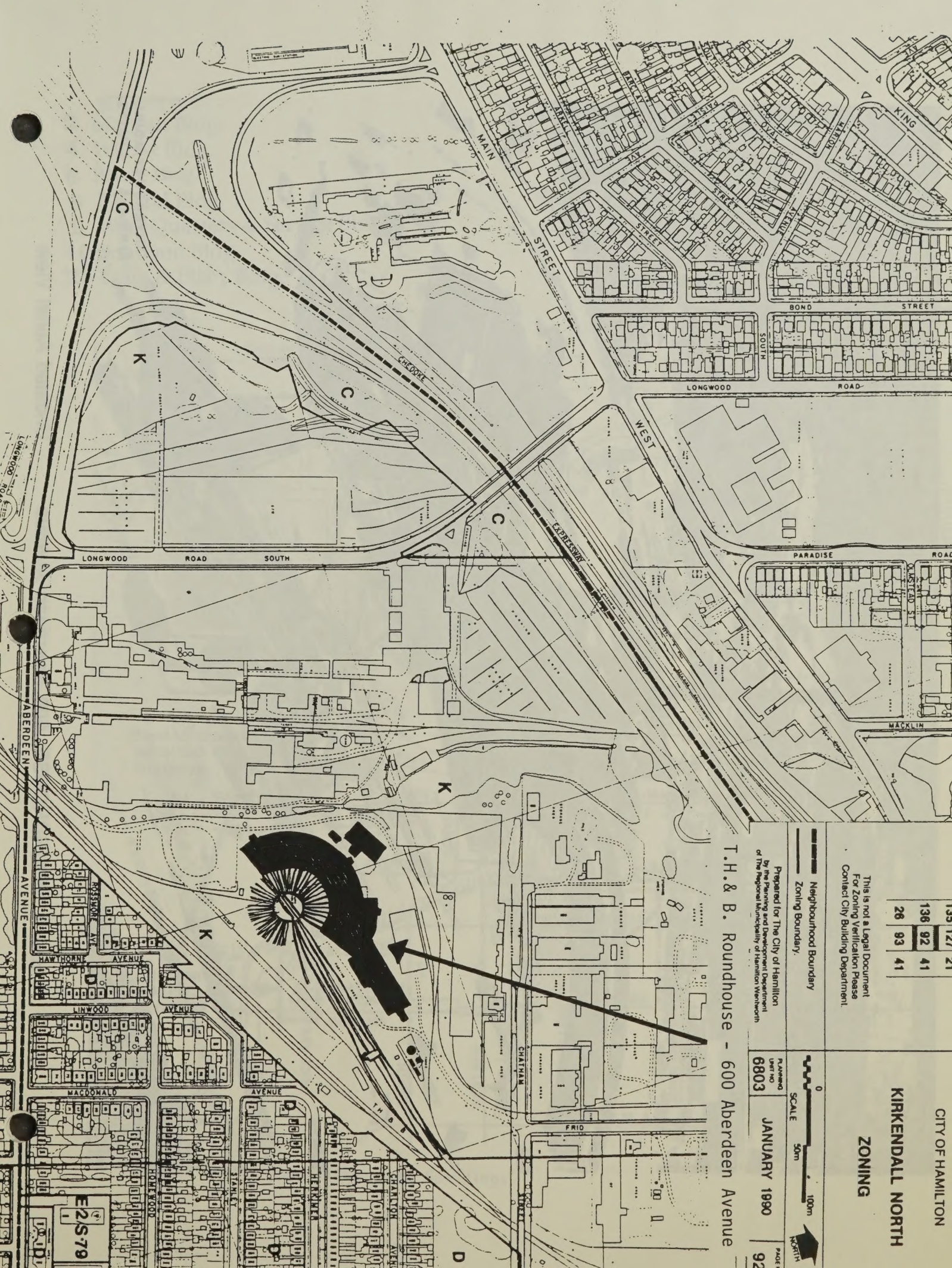
RECOMMENDATION:

That the following properties be added to the City's Inventory of Buildings of Architectural and/or Historical Interest:

1. T.H.& B. Roundhouse, 600 Aberdeen Avenue
2. Chedoke Hospital Buildings
 - a. Bruce Building
 - b. McLean Building
 - c. Wilcox Building
 - d. Central Building
 - e. West Quarters & Service Building
 - f. Long & Bisby Building
3. Children's Museum, 1072 Main Street East (Gage Park)
4. 70 Ferguson Avenue North

BACKGROUND:

1. The Research Sub-Committee has reviewed these buildings and agreed that they should be added to the Inventory.
2. T.H. & B. Roundhouse: This large, semi-circular brick masonry structure with an impressive timber-framed roof was built in 1930 for the Toronto, Hamilton and Buffalo Railway Co. It was recently learned that the roundhouse, now owned by CP Rail, may be endangered. (Map and photograph attached.)
3. Chedoke Hospital Buildings: In response to a request from May, Pirie & Associates Ltd., Land Use Planning Consultants, regarding the heritage status of buildings located on the Chedoke Health Corporation lands, staff made a site visit in August and identified the above five buildings, erected between 1917 and 1929, as possible candidates for listing on the Inventory. (Map and list with dates and uses attached; photographs available at meeting.)
4. Children's Museum, Gage Park: In response to a request from staff in the Department of Culture and Recreation regarding the heritage status of the Children's Museum, it was noted that the former Gage family homestead built circa 1875 for Robert and Hannah Gage has not yet been listed on the Inventory. The house, known as The Retreat, came close to being demolished in 1953 but was subsequently converted into the headquarters for the City's Parks Department and in 1978 became the Hamilton Children's Museum. (Map attached; photographs available at meeting.)
5. 70 Ferguson Avenue North: This 2-storey brick building, erected prior to 1868 was built as the Wesleyan German Church facing Rebecca Street. Since the 1880s it has served a variety of uses, including a storehouse for a rag merchant and a brewery. It is now occupied by an advertising firm. (Map and photograph attached.)



135	127	21
136	92	41
28	93	41

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

Neighbourhood Boundary
Zoning Boundary

Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton Wentworth

T.H. & B. Roundhouse - 600 Aberdeen Avenue

SCALE 0 50m 100m

PLANNED
DATE 6803 JANUARY 1990

PAGE 922

CITY OF HAMILTON
KIRKENDALL NORTH
ZONING

E2S79

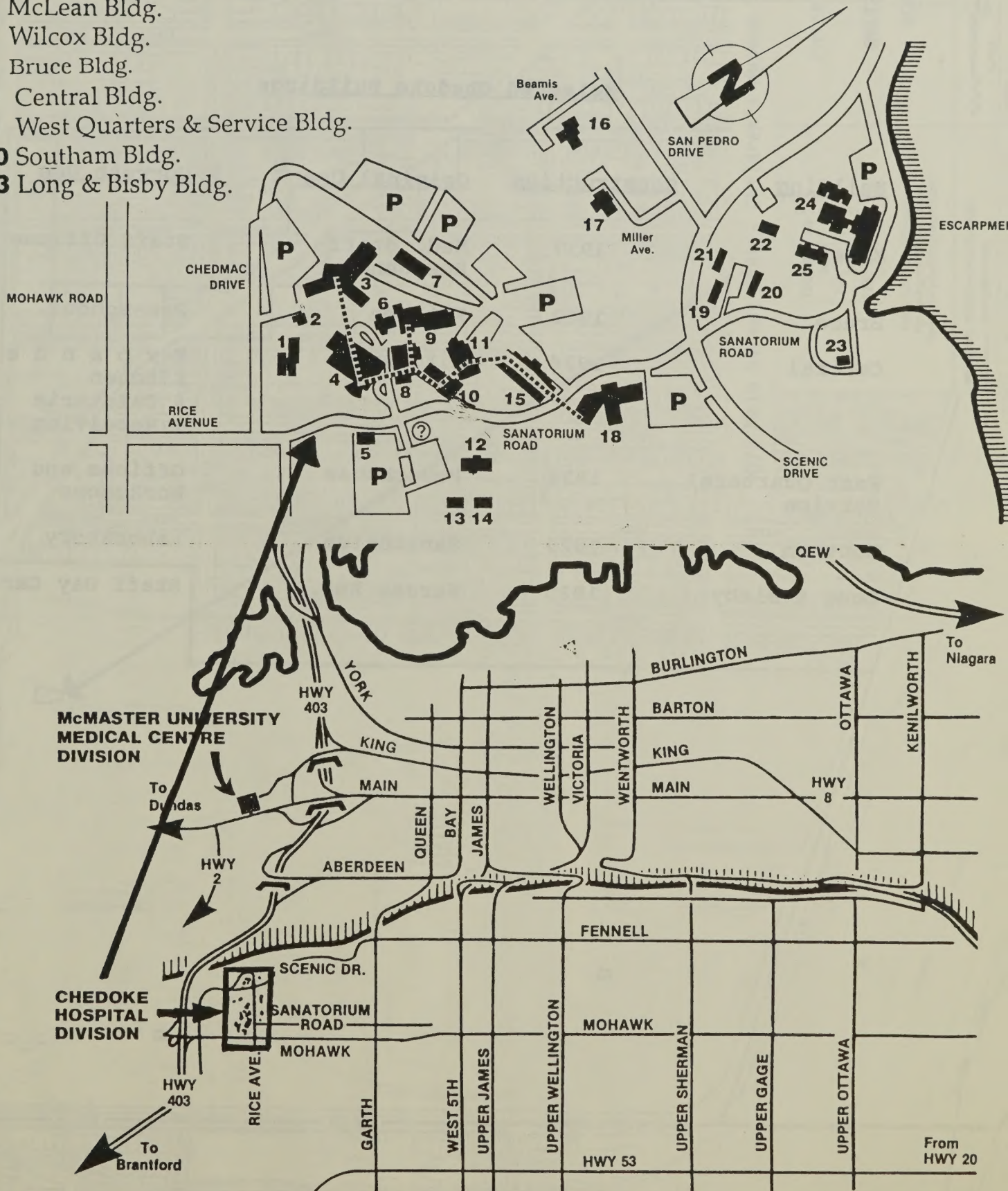


INTERPROVINCIAL
AIRWAYS LIMITED

T.H. & B. ROUNDHOUSE, 600 Aberdeen Avenue

Undated Aerial View

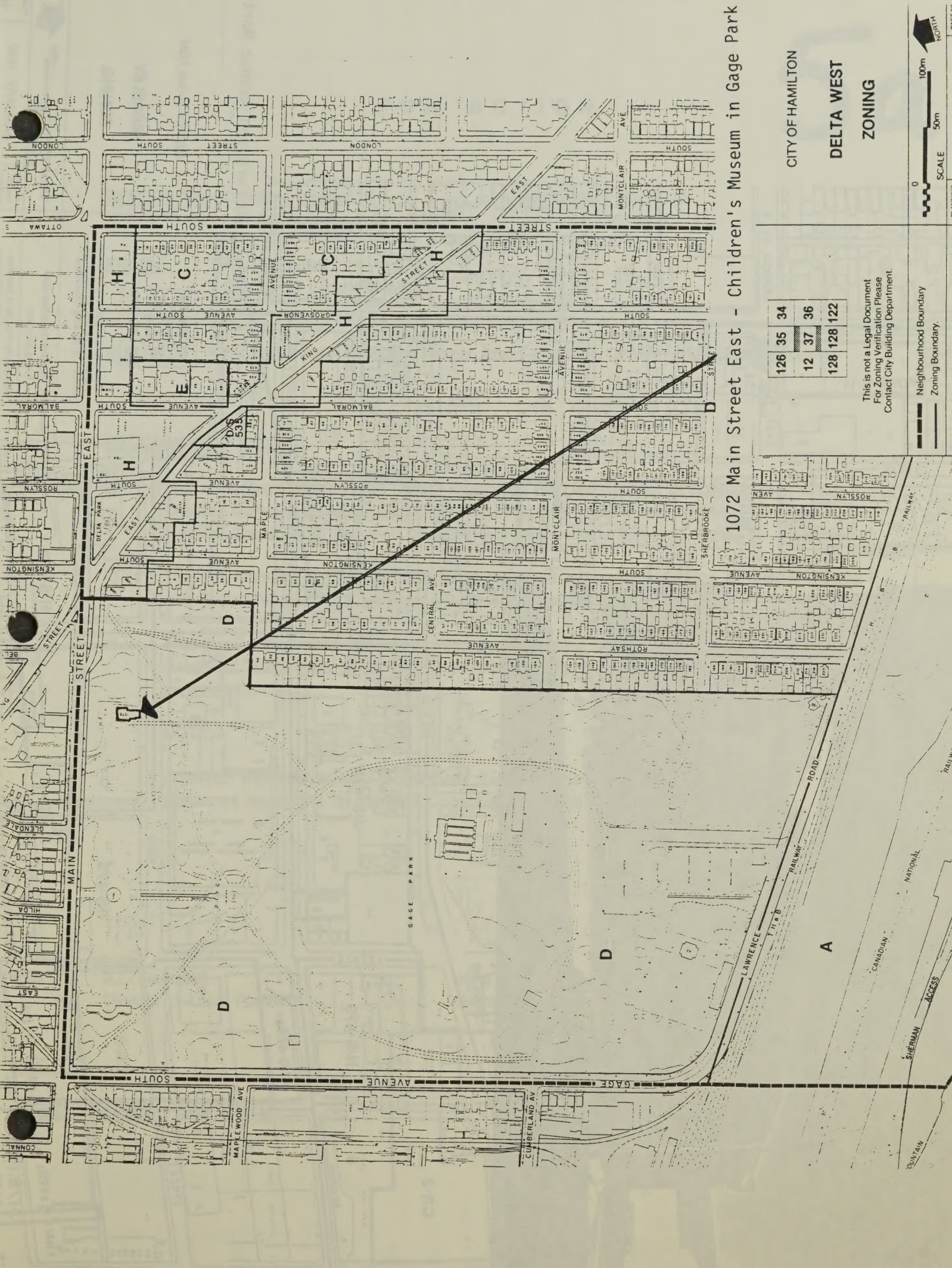
- 2 McLean Bldg.
- 4 Wilcox Bldg.
- 6 Bruce Bldg.
- 8 Central Bldg.
- 9 West Quarters & Service Bldg.
- 10 Southam Bldg.
- 23 Long & Bisby Bldg.



Chedoke Health Corporation Land Buildings

Selected Chedoke Buildings

<u>Building</u>	<u>Construction</u>	<u>Original Use</u>	<u>Current Use</u>
McLean	1917	Med. Staff Residence	Staff Offices
Bruce	1922	Kitchen	Pre-school
Central	1926	Kitchen	E x p a n d e d Kitchen & Cafeteria + Receiving
West Quarters/ Service	1924	Powerhouse	Offices and Workshops
Southam	1929	Sanatorium	Laboratory
Long & Bisby	1920	Nurses Res.	Staff Day Care

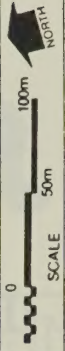


1072 Main Street East - Children's Museum in Gage Park

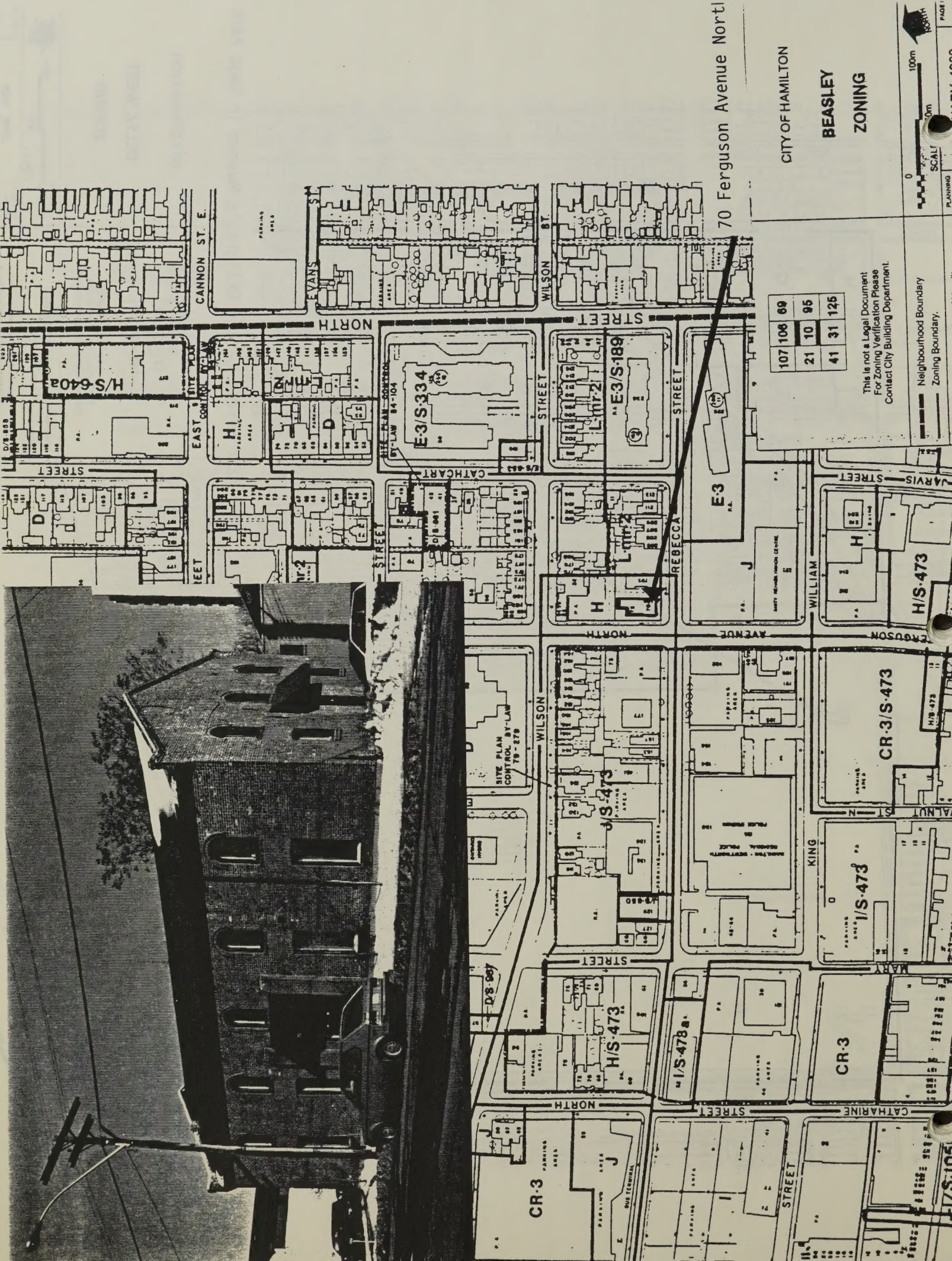
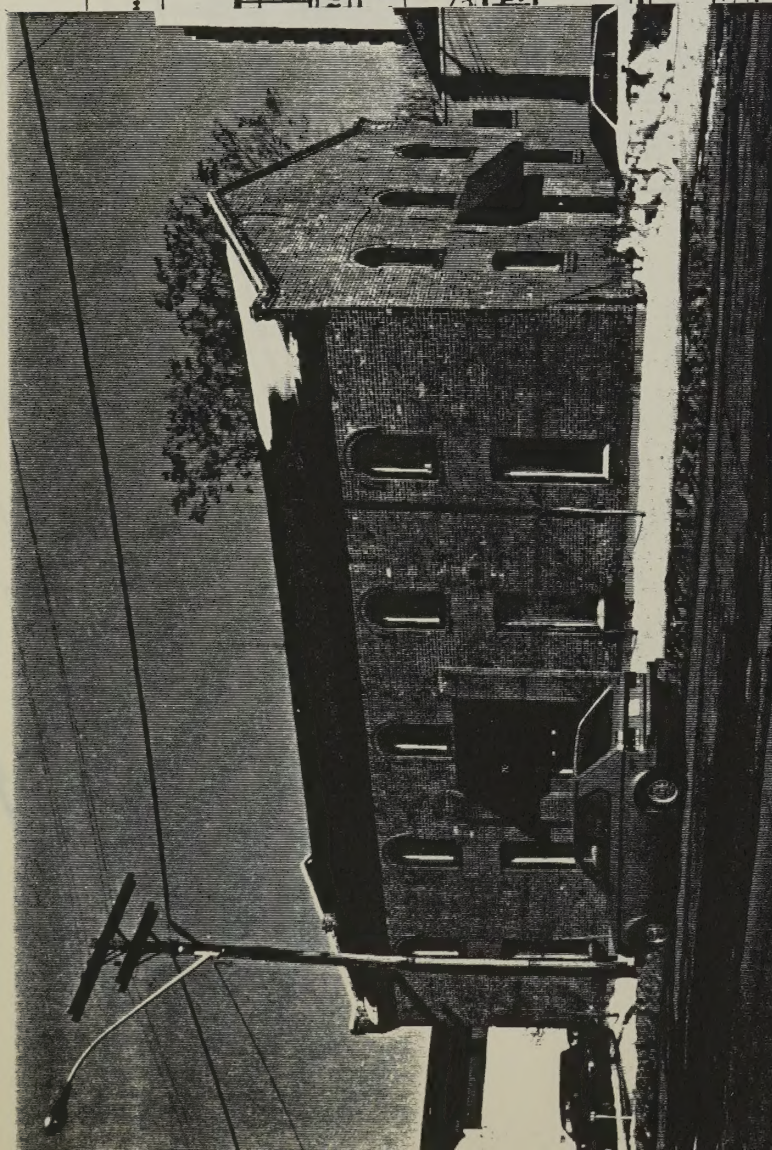
CITY OF HAMILTON
DELTA WEST
ZONING

126	35	34
12	37	36
128	128	122

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department



Neighbourhood Boundary
Zoning Boundary



107	106	69
21	10	95
41	31	125

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

Neighbourhood Boundary
Zoning Boundary.

CITY OF HAMILTON

BEASLEY ZONING

70 Ferguson Avenue North

FOR ACTION

5a

REPORT TO: Charlene Coutts
LACAC Secretary

DATE: Sept. 17, 1990

FROM: A.L. Georgieff
Director of Local Planning

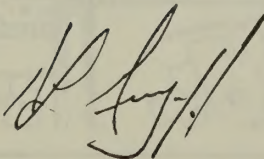
SUBJECT: Durand South (Markland Street Area)--Heritage Conservation District Study

RECOMMENDATION:

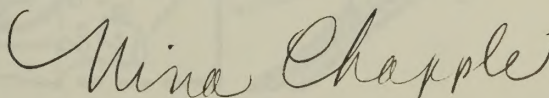
- a) That a Heritage Conservation District Study and Plan for the area of Durand South which includes Markland Street (James Street South to Bay Street South), Chilton Place, and MacNab Street South (between Charlton Avenue West and Markland Street) be undertaken.
- b) That the Planning Department be directed to submit an application to the Ministry of Culture and Communication for a Heritage Conservation District Study.
- c) That the Solicitor's Department be directed to prepare a by-law defining Durand South (Markland Street area) as an area to be examined for future designation as a heritage conservation district.

NOTE:

A petition was submitted by the property owners to the Planning Department with 26 signatures requesting the Heritage Conservation District Study and Plan.



A.L. Georgieff
Director of Local Planning



Nina Chapple
Architectural Historian

FINANCIAL IMPLICATIONS:

Application would be submitted to the Ministry of Culture and Communications for 50% funding for a Heritage Conservation District Study; the City would provide the matching 50%. A Heritage Study such as this one is estimated to be in the range of \$20,000 to \$24,000: the City, therefore, would be requested to provide \$10,000 to \$12,000.

BACKGROUND:

1. This proposal to undertake the Durand South Heritage Conservation District was endorsed in principle by Council February 13, 1990. The project was subject to funding allocation in the 1990 Work Program/Budget. The funding, however, was not granted so no action was taken.
2. In an earlier report submitted to the Planning and Development Committee in January 1983, both the Planning Department and LACAC had recommended that a Heritage District Study for Durand South be initiated as the City's first district. At that time, Council approved the area of James Street North in place of Durand.
3. The attached petition of 26 signatures represents approximately 75% of the property owners in the Durand South area.
4. The Ministry of Culture and Communications has traditionally funded Heritage Conservation District Studies due to the costs of the lengthy consultative process. The funding will be used to hire a consultant to assist staff in the preparation of the Study and Plan, as in the case of James Street North.
5. LACAC recommended on March 26, 1990 that the Planning Department be requested to examine the possibility of the use of the Interim Control By-law for the heritage district study area.



Legend :



In favor of a Heritage District



Opinion unknown as of Jan. 1990



Assumed to be opposed



Already designated



Boundary of petition

**Petition Requesting Heritage Conservation District
MARKLAND STREET AREA**

JAN 18 1990

REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

The undersigned residents of the Durand Neighbourhood request that the Planning Department of the City of Hamilton investigate the possibility of establishing heritage blocks on Markland St. (James to Bay,) Chilton Place and McNab St.S. (Herkimer to Markland.)

NAME: E.A. SHAKER
ADDRESS: 45 MARKLAND ST. HAMILTON L8P 2J5
SIGNATURE: E.A. Shaker.

NAME: Frances M. Richardson
ADDRESS: 50 Markland St. Hamilton L8P 2J7
SIGNATURE: Frances M. Richardson

NAME: Mary Pain
ADDRESS: 52 Markland St
Hamilton, On L8P 2J7
SIGNATURE: Mary Pain

NAME: C.S. GLASSCO
ADDRESS: 58 MARKLAND ST
SIGNATURE: Alice Mary Glassco

NAME: Spence A. Allen
ADDRESS: 53 Markland St
SIGNATURE: Spence A. Allen

NAME: NORA ROBINSON
ADDRESS: 51 MARKLAND ST. L8P-2J5
SIGNATURE: Nora Robinson.

NAME: MARENZIE ROBINSON
ADDRESS: 51 MARKLAND ST.
SIGNATURE: Marenzie Robinson

The undersigned residents of the Durand Neighbourhood request that the Planning Department of the City of Hamilton investigate the possibility of establishing heritage blocks on Markland St. (James to Bay,) Chilton Place and McNab St.S. (Herkimer to Markland.)

NAME: N. I. Spratt
ADDRESS: 92 Markland

SIGNATURE: *N. I. Spratt*

NAME: MR. MRS. R. D. MACKENZIE
ADDRESS: 79 MARKLAND ST. HAMILTON

SIGNATURE: *S. Mackenzie*

NAME: GEORGE ROBINSON
ADDRESS: 18 CHILTON PL.

SIGNATURE: *George Robinson*

NAME: DEREK WHITE
ADDRESS: 24 CHILTON PLACE.

SIGNATURE: *D. White*

NAME: *Harvey Sobel*
ADDRESS: 27 Chilton Place

SIGNATURE: *Harvey Sobel*

NAME: Nancy + Barry Mann
ADDRESS: 17 Chilton Place.

SIGNATURE: *B. Mann*

NAME: *Dee Forsythe*
ADDRESS: 33 Markland
SIGNATURE: *Dee Forsythe*

The undersigned residents of the Durand Neighbourhood request that the Planning Department of the City of Hamilton investigate the possibility of establishing heritage blocks on Markland St. (James to Bay,) Chilton Place and McNab St.S. (Herkimer to Markland.)

NAME: Dr. Mrs R. A. Hadden

ADDRESS: 29 MARKLAND St.

SIGNATURE: *R. A. Hadden*

NAME: Ardylh & Boris Brett

ADDRESS: 301 Bay St. S

SIGNATURE: *Ardylh W. Brett*

NAME: Alan & Helen Bece

ADDRESS: 90 Markland St.

SIGNATURE: Helen D. Bece

NAME:

ADDRESS: *Mr & Carol Collins*

SIGNATURE: 261 McNab St S

Mr Collins

NAME:

ADDRESS: Margaret Marks
243 McNab St South

SIGNATURE:

NAME:

Dr. E. L. Fallon
ADDRESS: 265 McNab St. S Hamilton

SIGNATURE: *E. L. Fallon*

NAME: DAVID + CINDY BLANCHARD

ADDRESS: 271 McNab St. S.

SIGNATURE: *David Blanchard*

copy 5b
CENTRAL AREA PLAN IMPLEMENTATION COMMISSION
CITY OF HAMILTON
The undersigned residents of the Durand Neighbourhood request that the Planning Department of the City of Hamilton investigate the possibility of establishing heritage blocks on Markland St. (James to Bay,) Chilton Place and McNab St.S. (Herkimer to Markland.)

NAME:

ADDRESS:

SIGNATURE:

Joan Renson (Mrs. R.J. Renson)
21 Chilton Place

NAME:

ADDRESS:

SIGNATURE:

Grace Inglis
25 Chilton Place

NAME:

ADDRESS:

SIGNATURE:

SAM H CINO
272 MACNAB SOUTH

NAME:

ADDRESS:

SIGNATURE:

Arthur M. Lewis
247 MacNab St. S.

NAME:

ADDRESS:

SIGNATURE:

Leo Barnett
10 Markland St

NAME:

ADDRESS:

SIGNATURE:

NAME:

ADDRESS:

SIGNATURE:

Corporation of the City of Hamilton

Memorandum

TO: Mr. A. Georgieff
Director of Local Planning

YOUR FILE:

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

OUR FILE:

PHONE: 546-3994

SUBJECT: PROPOSED SOUTH DURAND HERITAGE
CONSERVATION DISTRICT'S STUDY -
INTERIM CONTROL BY-LAW

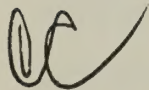
DATE: 1990 March 29

Please be advised that the Local Architectural Conservation Advisory Committee at its meeting held 1990 March 26, approved the following recommendations:

- a) That an Interim Control By-law be in place to keep the proposed South Durand Heritage Conservation District stable until the Heritage Conservation District's study is completed; and,
- b) That LACAC send a letter of support for the Durand Neighbourhood Association's application for funding to the Heritage Hamilton Foundation.

In reviewing this matter with Mrs. Nina Chapple of your department, it was felt that a report should be prepared by the Planning Department with respect to item (a) before this recommendation is forwarded to the Planning and Development Committee.

Please ensure that appropriate action is taken with respect to this matter.



CC/mec

c.c. Mrs. D. Dent, Chairman
Mrs. N. Chapple, Planning Department

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

P-5-4-7-9

June 15, 1990

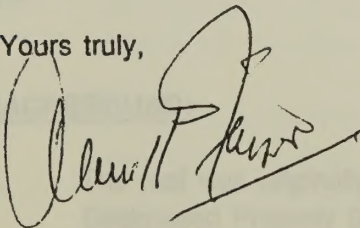
Mrs. Diane Dent, Chairperson
L.A.C.A.C.
4 Bull's Lane
Hamilton, Ontario
L9A 1C7

Dear Mrs. Dent:

I wish to express on behalf of CAPIC its congratulations for the excellent work resulting in the MacNab Heritage District. The Committee feels that this step is of vital importance in helping to preserve some of Hamilton's unique features.

CAPIC has also expressed interest in a possible expansion of the District to include Whitehern, Central Public School and St. Mark's Church, and hopes that this expansion would be considered by LACAC in the future.

Yours truly,



Charles Forsyth
Chairman

JA:CS

CAPIC.LET

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

CITY OF LOS ANGELES, 1200 WEST 6TH STREET, SUITE 1000, LOS ANGELES, CALIFORNIA 90017

MEMORANDUM FOR THE COMMITTEE

SUBJECT: [Illegible]

DATE: [Illegible]

June 15, 1988

Mr. David Earl Davidson
L.A.O.A.C.
4000 - 1st
Hollywood, California
91604

Dear Mr. Davidson:

I wish to express my appreciation for the information regarding the Los Angeles Housing Bureau. The Committee has not yet been able to locate the Bureau's records of the Bureau's major projects.

CAPIC has not expressed interest in a Los Angeles Housing Bureau. CAPIC is a public school and EL Market Center and hopes that this document will be reviewed by L.A.O.A.C. in the future.



Charles Forsyth
Chairman

JACS

CAPIC/ET

FOR ACTION

6a

REPORT TO: Charlene Coutts
LACAC Secretary

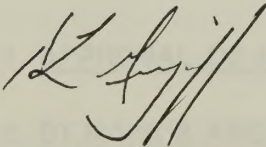
DATE: Sept. 17, 1990

FROM: A. L. Georgieff
Director of Local Planning

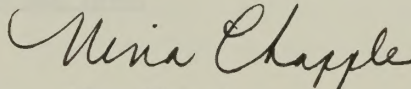
SUBJECT: 219-227 Ferguson Avenue South - Heritage Funding

RECOMMENDATION:

That a designated property grant for each of the five owners of the designated property (5-unit rowhouse) at 219-227 Ferguson Avenue South be approved to replace the existing asphalt-shingled roofs with wood-shingled ones.



A.L. Georgieff
Director of Local Planning



Nina Chapple
Architectural Historian

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

1. The roof was originally wood-shingled. This application is therefore in accordance with the Designated Property Grant guidelines set down by the Ministry of Culture and Communications, which states that re-roofing in the original material is eligible for heritage funding.
2. LACAC staff were advised by the owners and the Department of Community Development that the contractor would be ready to start work by the first week of October. In order to avoid delays and allow him to keep to his schedule, a telephone poll was taken on September 13th so that this recommendation could be sent to the Planning and Development Committee for approval at its September meeting.

FOR ACTION

DATE: June 17, 1965

REPORT TO: Citizens Group
LACAC Strategy

FROM: A. J. George
Director of Local Planning

SUBJECT: 510-1st Tennessee Avenue South - Heritage Trusting

RECOMMENDATION:

This is a proposed project that is not in the interest of the community and should not be approved. The project is a proposed development of 100 units of housing on the site of the existing parking lot. The project will be a detriment to the community and should not be approved.


A. J. George
Director of Local Planning


A. J. George
Director of Local Planning

FINANCIAL INFORMATION:

NA

BACKGROUND:

1. The project was originally proposed by the Citizens Group. The project is a proposed development of 100 units of housing on the site of the existing parking lot. The project will be a detriment to the community and should not be approved.
2. LACAC was asked by the Citizens Group to review the project. The project was reviewed by the Citizens Group and the project was found to be a detriment to the community and should not be approved.

LACAC RESEARCH SUB-COMMITTEE MEETING

MINUTES

7a

DATE: Wednesday July 18, 1990.

TIME: 5:30 to 7:00

PLACE: Planning Department Library.

PRESENT: Rob Brough, Chairman
Jane Rigby
Ann Gillespie
John Mokrycke
Mary Beth Forget, Staff

ABSENT: Nina Chapple
Tony Butler
David Cumming

1. APPROVAL OF MINUTES OF JUNE 20, 1990.

2. ST.MARK'S ANGLICAN CHURCH

BACKGROUND: On October 18, 1989 the Committee discussed the proposed redevelopment of the church and grounds. The Committee agreed that plans submitted at that time for non-profit housing and offices were not acceptable because they did not preserve the church and entire area of open green space. The Committee recommended that LACAC support the City's proposed acquisition of the property.

The Committee was asked to evaluate St. Mark's Anglican Church according to the Inventory of Buildings of Architectural and Historical Interest Draft Report. The results of this evaluation will help to determine if this church is eligible for designation.

COMMENTS/ACTIONS: The Committee evaluated St. Mark's Anglican Church and the open green space in front of the church according to the Inventory Draft Report. It was concluded that the building and green space together are worthy of designation under the Ontario Heritage Act.

3. 74 CHARLTON AVE. EAST

BACKGROUND: The Committee was asked to evaluate the letter from the Building Commissioner concerning the cost estimates by Tri-King Construction for the possible redevelopment of the existing house into a 4-plex. This letter was sent to LACAC by the N.E.C., and referred to the sub-committee for their comments.

COMMENTS/ACTIONS: The Committee reiterated statements made at May 23 1990 meeting that the estimate for restoration of this building is too high for these reasons:

1. Costs contained in the estimate are for conversion of the building into four dwelling units, not just for conversion of original features.
2. Some work on the estimate appears to be unnecessary.
3. Some work on the estimate appears to be overpriced.

The Committee confirmed its decision to oppose the demolition of 74 Charlton Avenue East.

4. ONTARIO HERITAGE ACT - PROPOSED LEGISLATION

BACKGROUND: The Committee was asked to review and discuss the new proposed legislation introduced by the Ministry of Culture and Communications for changes to the Ontario Heritage Act.

COMMENTS/ACTIONS: The Committee's opinion on the proposed legislation for a new Ontario Heritage Act can be referred to the Sub-Committee minutes of June 20 1990. At that meeting the matter was discussed and comments given.

5. SITE PLAN CONTROL APPLICATION

BACKGROUND: Site Plan Application DA-90-54 for a three-unit condominium development partially attached to the existing building at 46 Herkimer Street. This property is listed and half of a double house with 44 Herkimer Street.

This application was deferred from the June 20, 1990 meeting.

COMMENTS/ACTIONS: The Committee reviewed plans of the proposed three-unit condominium building to be built adjacent to 46 Herkimer Street. The Committee would like to commend the architect and developer for the design of the new building, which sympathetically imitates the design and detailing of the existing house.

6. ZONING APPLICATION

BACKGROUND: Zoning Application ZA-90-47 for a modification to the E-3 district for 150-158 Catharine Street South to permit the temporary use for parking.

The owners of 150-158 Catharine Street South originally applied for a demolition permit with the intention of erecting a residential apartment building but, due to economic reasons have since decided to use this site to provide additional temporary parking in the area.

The Sub-Committee reviewed the demolition application on April 25, 1990 for 150, 152 Catharine Street South and recommended that the Demolition Control By-law be applied to these two properties, both of which are listed on the City's Inventory of Buildings of Architectural and/or Historical Interest. On May 2, 1990, the Planning and Development Committee tabled the demolition permit because of LACAC's interest in the property. On

May 23, 1990, P&D recommended that the Demolition Control By-Law be applied, with City Council supporting this recommendation on May 29, 1990.

This application was deferred from the June 20, 1990 meeting.

COMMENTS/ACTIONS: It has come the Committee's attention that the buildings at 150-152 Catharine Street South are vacant and open to vandals. The Committee recommends that the Building Department enforce the Property Standards By-Law on 150-152 Catharine Street South, and support the enforcement of Demolition Control on these buildings.

7.a) ADDITIONS TO INVENTORY - 70 FERGUSON AVE. NORTH ; 165-167 REBECCA STREET

BACKGROUND: These additions have been deferred from the sub-committee meeting of March 7, 1990.

The 2-storey brick commercial building at 70 Ferguson Avenue North and the two identical Victorian brick houses at 165 and 167 Rebecca Street (both built in 1889-90) have been identified by staff as possible candidates for listing on the Inventory.

COMMENTS/ACTIONS: The Committee evaluated 70 Ferguson Ave. North according to the Inventory Draft Report. The evaluation conclusion was that this building is worthy of listing on the City's Inventory of Architectural and/or Historical Buildings of Interest.

b) 1651 KING STREET EAST

BACKGROUND: The owner of this property had written to LACAC staff about his house at 1651 King Street East. He is requesting that his property be researched as a "heritage" home. Staff considers this house to be a candidate for possible listing on the Inventory.

COMMENTS/ACTIONS: Deferred to next meeting.

c) 1072 MAIN STREET EAST - CHILDREN'S MUSEUM IN GAGE PARK

BACKGROUND: A staff member of the Department of Culture and Recreation had inquired about the heritage status of this building in Gage Park. This building is not listed on the Inventory, but is known to be the former Gage Homestead (The Retreat) and built approximately 1875 by Robert and Hannah Gage. In 1953 this house escaped demolition and was converted into the headquarters for the Hamilton Parks Department. In 1978 the house was opened as the Hamilton Children's Museum. Considering these historical connections this building could be a candidate for possible Inventory listing.

COMMENTS/ACTIONS: Deferred to next meeting.

8.69 JOHN STREET SOUTH - BUNTIN-GILLIES BUILDING

BACKGROUND: The Committee was asked to evaluate the Buntin-Gillies building at 69 John Street South according to the Inventory of Buildings of Architectural and Historical

Interest Draft Report. LACAC staff has been contacted previously by the owners of this building as to the possibility of future designation.

The Sub-Committee reviewed plans on October 18, 1989, for proposed renovations to convert the building for commercial uses. Proposals discussed concerned replacing the wooden sash windows with metal ones, conversion of three window bays to two recessed entrances, blocking up existing basement windows and brick foundation with plaster and repointing of masonry. The Committee was also made aware that the building had been cleaned by the use of sandblasting. At that time the Committee accepted the recessed entrances, opposed the use of gabled canopies over these entrances.

COMMENTS/ACTIONS: Deferred to a latter date.

9. 988 CONCESSION STREET - KERR ESTATE

BACKGROUND: The Committee was asked to evaluate the listed house at 988 Concession Street according to the Inventory of Buildings of Architectural and Historical Interest Draft Report. LACAC staff had been contacted by the property owners concerning possible heritage designation.

COMMENTS/ACTIONS: The Committee gave its preliminary approval for the designation of the property based on the information LACAC Resource Staff have obtained thus far. Evaluation of the building according to the Inventory Draft Report will take place when more information and pictures can be obtained. (This matter is being brought to LACAC for preliminary approval on July 23, 1990.)

LACAC RESEARCH SUB-COMMITTEE MEETING

MINUTES

7b

DATE: Wednesday, August 1, 1990

TIME: 5:30 to 7:15

PLACE: Planning Department Library

PRESENT: Nina Chapple
Anne Gillespie
David Cuming
Rob Brough, Chairman
Jane Rigby
Mary Beth Forget, Staff

ABSENT: Tony Butler
John Mokrycke

1. ROAD WIDENING OF LOCKE STREET SOUTH BETWEEN KING STREET AND MAIN STREET

BACKGROUND: The Neighbourhood section of the Planning Department was asking for comments on the proposed street widening of Locke Street South between King Street and Main Street. The Committee is asked to comment on the following:

- Are the houses threatened by the street widening of interest to LACAC, and if so to what extent? (The properties in question are 179 King Street West, 4, 18, 20, 22, 24, 26, 32, 34, 40, 42, 44, 46, 48, 56, 60, 62, 64, 72 Locke Street South and 352 & 344 Main Street West) (Only 352 & 344 Main Street West are listed on the Inventory.)
- Would LACAC staff prefer to see them retained rather than demolished & why? Are they important to the architectural heritage of this area?

COMMENTS/ACTIONS: The Sub-Committee reviewed pictures of the buildings that are standing on the west side of Locke Street South in the proposed area of the street widening as well as the draft report of proposed amendments to the Strathcona Neighbourhood Plan regarding Locke Street South between Main Street and King Street.

Even though most of these buildings are not listed on the Inventory of Buildings of Architectural and/or Historical Interest, the Committee is opposed to the demolition of the buildings mentioned in the draft report on the street widening.

The Committee was in agreement with the comment made on page 7 of the draft report: "The benefits of leaving Locke Street at its present width are considered to be greater than the advantages of widening the roadway. The preservation of the existing homes and sense of community in this established neighbourhood would appear to outweigh the need for the widened roadway, which is not quantified."

2. 74 CHARLTON AVENUE EAST - POSSIBLE DESIGNATION AND CITY ACQUISITION

BACKGROUND: LACAC resource staff were in receipt of a letter sent to the director of the Planning Department concerning the possible designation of 74 Charlton Ave. East under the Ontario Heritage Act or for the City to buy the building and remove it from its present location. The Committee was asked to evaluate this building according to the Inventory of Buildings of Architectural and/or Historical Interest Draft Report and to comment on a possible City acquisition of this building and its relocation.

COMMENTS/ACTIONS: The Committee decided not to comment on the letter received from Mr. Terence Whelan until LACAC has reviewed and made comments at their September meeting.

The Committee evaluated the Building at 74 Charlton Ave. East according to the Inventory of Architectural and/or Historical Buildings of Interest Draft Report. It was confirmed that this building is worthy of both listing and designation under Part IV of the Ontario Heritage Act. (This building is already listed and has had Draft Reasons for Designation written about it, both of which the Sub-Committee support).

3. UNION SCHOOL - 634 RYMAL ROAD WEST

BACKGROUND: LACAC resource staff are in receipt of a letter from the Hamilton Board of Education about the sale of Union School at 634 Rymal Road West. This listed school was built in 1927 as a one room school house. Additions were made in 1954 (by Chas. Lenz) and in 1956 (by W.W. Allen & Associates). The school was annexed in 1960 and is presently used by the Paradise Corner Children's Centre.

The Committee was asked for comments concerning the sale of this school.

COMMENTS/ACTIONS: This item has been deferred to the next meeting.

4. 52, 54, 56, 62 VICTORIA AVENUE SOUTH - SAVING FACADES

BACKGROUND: LACAC resource staff were in receipt of a Conference Report made by John Sakala of the Planning Department. It reports of his meeting with Peter Marzynski of Ph. D. Design Inc. Architectural Concepts about a proposed building to be built on the site of 52, 54, 56, 62 Victoria Ave. South. This proposed building would use the facades of 52, 54 and 56 Victoria Avenue South. (52, 54, 56 Victoria Ave. South are listed buildings; 62 Victoria Ave. South is not listed.)

The Committee was asked to comment on the proposals made to redevelop this property.

COMMENTS/ACTIONS: The Committee did not accept the design presented for the proposed properties at 52 - 62 Victoria Avenue South. It was felt these plans do not constitute architectural conservation nor do they take into consideration the context of the surrounding streetscape. It was observed that the drawings are schematic only and do not represent plans prepared by a licensed architect.

5. ZONING APPLICATION

BACKGROUND: Zoning Application ZA-90-21 for increased density additions to the Greening Donald Co. Ltd. building at 125 Napier Street. This building is not listed but is considered part of the Industrial Survey made by LACAC resource staff.

Located on the site of the present office and factory, the wire mills originally covered three city blocks. Due to increased competition from European manufacturers, Greening was sold and later merged with Donald Ropes and Wire Cloth Ltd. becoming Greening Donald. The original company was called B. Greening Wire Co. Ltd. built in approximately 1907.

The Committee was asked to view the plans and comment on the proposed structure.

COMMENTS/ACTIONS: This item has been deferred to the next meeting.

6. PROPOSED SITE FOR THE NEW CRYSTAL PALACE

BACKGROUND: On Saturday July 21 1990, the Hamilton Spectator printed an article about the proposed site for a new Crystal Palace. The article states that the new site would be at the Commonwealth Square between the Art Gallery of Hamilton and Hamilton Place. This site was chosen by the Crystal Palace Sub-Committee, lead by Ernie Seager, from a recommendation made in a report by Baird/Sampson Architects of Toronto. That Sub-Committee would like to stage a competition for a design of this new Crystal Palace.

The Committee was asked to review and comment on the proposed site and building.

COMMENTS/ACTIONS: This item is deferred to the next meeting.

LACAC RESEARCH SUB-COMMITTEE MEETING

MINUTES

DATE: Wednesday, August 15, 1990

TIME: 5:30 to 6:30

PLACE: Planning Department Library

PRESENT: Nina Chapple
Ann Gillespie
Rob Brough, Chairman
Jane Rigby
Mary Beth Forget, Staff

ABSENT: Tony Butler
John Mokrycke
David Cuming

1. NEW HOUSE TO BE BUILT AT 65 MARKLAND STREET

BACKGROUND: LACAC Resource Staff received a telephone call from lawyer Paul Mazza on June 28, 1990. He is considering to build a house on this site that he can sell at a later date.

Mr. Mazza asked the Sub-Committee and LACAC for suggestions for the design of this new house and/or general design guidelines for any new building on this vacant lot.

BACKGROUND: The Sub-Committee agreed that a letter be sent to Mr. Mazza suggesting guidelines for infill housing within a historic neighbourhood. Guidelines from the MacNab-Charles Heritage Conservation District Plan, information taken from Well Preserved by Mark Fram and Old & New Architecture by the National Trust for Historic Preservation could be adopted to the Markland Street area.

The Sub-Committee also strongly suggested that Mr. Mazza obtain the assistance of a licensed architect when making plans for designing this infill building in the historic Durand neighbourhood and to submit proposed plans for the new house to the Research Sub-Committee before he decides to build.

2. 25 TECUMSEH STREET - SANDBLASTING OF DESIGNATED BUILDING

BACKGROUND: The house at 25 Tecumseh Street has been designated under the Ontario Heritage Act since 1987. LACAC resource staff has recently been informed that the owners of this property had the building sandblasted in early July. Permission was not given by Hamilton City Council, as is required. It is well known that sandblasting brick structures contributes to their deterioration.

The Sub-Committee was asked to comment on the sandblasting of this building.

BACKGROUND: The Sub-Committee agreed a letter be sent to the owner of this property detailing the disadvantages of sandblasting on brick buildings and the Sub-Committee's disapproval of the decision to do this without their approval or notice.

The Sub-Committee also agreed that this recommendation should be brought to the LACAC meeting in September.

3. HISTORICAL PLAQUE INLAYS FOR INTERNATIONAL VILLAGE - KING STREET EAST

BACKGROUND: In 1988, the International Village Business Improvement Area requested the installation of historical plaque inlays in the sidewalk in front of significant heritage buildings along King Street East. Hamilton City Council approved this project on June 28, 1990. At the October 25, 1988 Sub-Committee meeting, it was recommended to LACAC to approve 14 buildings along King Street East for these inlays, which LACAC approved on October 31, 1988. The Community Development Department, working in conjunction with the International Village B.I.A., specified that the proposed plaques are to be stone inlays, inscribed with historical information and installed in the sidewalk in front of selected buildings, reminiscent of the stone inlays of street names along James Street North. It was also agreed that the number of inlays be narrowed to 10.

On February 13, 1989, LACAC supported the International Village B.I.A. proposal to promote interest in Hamilton's heritage. LACAC requested the B.I.A. to consider the placement of plaques on the outer walls of the identified buildings instead of inlays in the sidewalks. LACAC approved the following 10 properties for historic plaque inlays: King Street East (north side) 165-205; 219-225; 227-229; 261-265; 283-287; 315-321; (south side) 180; 220-230; 310-314; 320.

The Sub-Committee was asked to review the information proposed for the historical plaques for these 10 buildings on King Street East.

BACKGROUND: The Sub-Committee was pleased to hear this project is proceeding and consideration is being given to placing the plaques on the outer wall of these historic buildings.

FOR INFORMATION

7d

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO: Mrs. M. Havelka,
Manager of Cultural Services

YOUR FILE:

FROM: Mrs. Lynn Dale, Secretary
Parks and Recreation Committee

OUR FILE: 1-3.2
PHONE: 546-2728

SUBJECT: **JOINT PLAQUING SUB-COMMITTEE**
- HAMILTON HISTORICAL BOARD
AND LOCAL ARCHITECTURAL
CONSERVATION ADVISORY COMMITTEE

DATE: 1990 August 29

Subjoined please find a copy of Item 1 of the **FIFTEENTH** Report of the Parks and Recreation Committee which was adopted by City Council at its meeting held Tuesday, 1990 August 28.

Would you please take the necessary steps to execute the directions of City Council with respect to this item.

L. Dale

cc: Secretary, Hamilton Historical Board
Secretary, L.A.C.A.C.
Alderman Wm. McCulloch
Mr. Dennis Missett, Hamilton Historical Board
Mr. Ken Bennett, Hamilton Historical Board
Mr. Brian Henley, L.A.C.A.C. & Hamilton Historical Board
Ms. Nina Chapple, L.A.C.A.C.

1. (a) That the Guidelines (including Membership and Reporting Mechanism) appended hereto as Schedule "A", for a Joint Plaquing Sub-Committee for the Hamilton Historical Board and Local Architectural Conservation Advisory Committee be approved.

(b) That per the Guidelines, the following be appointed to the Joint Plaquing Sub-Committee:

- i. Alderman Wm. McCulloch - Hamilton Historical Board and LACAC
- ii. Dennis Missett - Hamilton Historical Board
- iii. Ken Bennett - Hamilton Historical Board
- iv. Brian Henley - LACAC and Hamilton Historical Board
- v. Nina Chapple - LACAC

cc Secretary, Hamilton Historical Board
Secretary, L.A.C.A.C.
Alderman Wm. McCulloch
Mr. Dennis Missett, Hamilton Historical Board
Mr. Ken Bennett, Hamilton Historical Board
Mr. Brian Henley, L.A.C.A.C. & Hamilton Historical Board
Ms. Nina Chapple, L.A.C.A.C.

I (a) That the Guidelines (including Membership and Reporting Mechanisms) appended hereto as Schedule "A", for a Joint Plaquing Sub-Committee for the Hamilton Historical Board and Local Architectural Conservation Advisory Committee be approved.

FOR INFORMATION

8b

TO: Charlene Coutts
LACAC Secretary

DATE: September 14, 1990

FROM: Alex Georgieff, M.C.I.P.
Director of Local Planning

SUBJECT: Preservation Incentive - Perth, Ontario.

FINANCIAL INCENTIVE:

In 1979, the town of Perth, Ontario, passed By-Law No. 2294 (attached) which allows the municipality to provide a grant in lieu of a municipal tax increase which has resulted from the alteration, repair, or renovation of a designated property for a maximum period of 10 years.

BACKGROUND:

The By-Law is in accordance with the provisions of the Ontario Heritage Act, Section 39 (1), which allows a municipality to provide a grant or a loan for the alteration of a designated property under prescribed terms.

CONDITIONS:

- 1) To qualify the building must be designated; a heritage easement must be on the property; and the property must be insured at 100% replacement costs.
- 2) A grant will be considered a loan by the municipality if the property is sold within the first three years of the 10 year grant period (or within 30% of any lesser grant period).

APPLICATION:

The Town of Perth has awarded this grant to one property; it was given in 1982 for the repair of a prominent building on the main street which had been damaged by a major fire. The property owner renovated the building and has since been paying the pre-renovation assessment costs. It is estimated that the rebate will total \$29 000 in 1992, the end of the 10 year agreement.



THE CORPORATION OF
THE TOWN OF PERTH

THOMAS G. KENT, A.M.C.T.
CLERK-TREASURER

80 GORE STREET EAST
PERTH, ONTARIO K7H 1H9

TELEPHONE
613-267-3311

PERTH

BY-LAW NO. 2294

RECEIVED
PLANNING & DEVELOPMENT

JUL 12 1990

REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

A By-law to allow the issuing of Conditional Heritage Grants to the owner of a designated property for the purpose of alteration, repair, or restoration of the designated property.

A By-law under the Ontario Heritage Act 1974, Chapter 122, Section 39(1)

WHEREAS by the above-mentioned Section of The Ontario Heritage Act of the province of Ontario, the council of a municipality may pass by-laws providing for the making of a grant to the owner of a designated property for the alteration, repair or restoration of the designated property;

AND WHEREAS the Council of the Town of Perth recognizes the historical significance of such designated properties;

AND WHEREAS the Council of the Town of Perth appreciates the importance of such properties to the ongoing vitality of the Town;

NOW, THEREFORE BE IT ENACTED:

THAT the Town of Perth approve the making of grants to eligible property owners for the purpose of altering, repairing or renovating their property.

The Grant will take the following form:

If the owner of an eligible property makes alterations, renovations or repairs to the property and because of such work there is an increase in taxes, the municipality will bear this tax increase for a maximum period of ten (10) years.

This grant(s) will not apply to any addition(s) occurring subsequent to a property being designated. Such addition(s) may qualify only if the property owner applies for extension of the grant under the terms of this by-law.

ELIGIBILITY

1. It is incumbent on any property owner desiring to be considered for a Conditional Heritage Grant to make application in writing to the Perth Town Council.
2. To qualify, property owners must satisfy the following conditions:
 - A) The property shall be designated (Ontario Heritage Act, Section 29(1))
 - B) The property shall have a written easement (Ontario Heritage Act, Section 37(1))
 - C) The property owner shall provide proof of the property being insured for 100% of replacement costs.
3.
 - A) Replacement cost is the actual cost to repair or replace with material of like kind or quality.
 - B) Replacement costs are to be determined by the average appraised values determined by at least two (2) independent, qualified appraisers.

Cont'd.....

OFFICE OF THE CITY CLERK
MEMORANDUM
Mr. C. J. Chisholm, Secretary
Local Architectural Commission
Advisory
On File

TOWN OF PERTH

BY-LAW NO. 2294

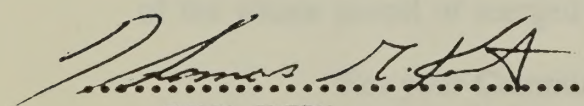
Page 2.

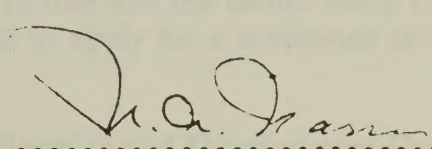
ELIGIBILITY (Cont'd....)

4. A) The sale of a property within the first three (3) years of a ten (10) year grant period, or within 30% of any lesser grant period shall cause the grant to be forfeit and be repayable to the municipality as a loan. The loan is to be repaid on, or before, the first day of municipal tax collection following the sale of the property.

~~B) Monies returned to the municipality under 4(A) are to be invested~~
in a Municipal Heritage Fund. Funds so acquired are to be used by the municipality for the purpose of financing loans or grants under the Ontario Heritage Act, Part III, 24(1).

Read a First, Second, and Third Time
and Passed this Twenty-Third day of
October, 1979.


.....
TOWN CLERK


.....
MAYOR

OFFICE OF THE CITY SOLICITOR

MEMORANDUM

9a

TO:	Ms. C. J. Coutts, Secretary, Local Architectural Conservation Advisory Committee, City Clerk's Department	YOUR FILE:	
FROM:	Lorne E. Farr, Assistant City Solicitor	OUR FILE:	40-98.0 40-98/89.6
		PHONE:	546-4634
SUBJECT:	Deregistering Plans of Subdivision <u>- 65 Markland Street, Hamilton</u>	DATE:	1990 August 3

Your request of July 6, 1990 for a report on deregistering plans of subdivision and the effect of the deregistration on Lots of Record has been referred to me.

Under the Planning Act, 1983, Section 49(4), a council of a local municipality may by by-law designate a plan of subdivision, or a part of a plan of subdivision, which has been registered for more than eight years, so as to deem it not a plan of subdivision for the purposes of Section 49 of the Planning Act. (Section 49 prevents any landowner from severing part of a lot on a plan of subdivision.) Deeming the plan of subdivision not to be a plan of subdivision legally prevents an owner who has two or more abutting lots on the plan from selling the lots separately. Then, in law, because of the deeming by-law, the two lots are said to merge in title and they therefore must be sold together as one unit, or the owner must apply for a severance to sell part of the parcel. To legally sell part of the parcel, the owner would have to apply to the Regional Land Division Committee for approval to sever the parcel.

Applying the above, 65 Markland Street was made up of four separate lots on a plan of subdivision. Under the Planning Act the owner of all four lots could legally sell each lot separately. But, if the plan had been deemed by City by-law not to be a plan of subdivision, then all four lots would have merged in title and the owner could only have sold the whole parcel of land, or he would have had to apply for a severance to sell part of the whole parcel of merged lots.

For your Committee to report to the Planning and Development Committee on enacting a deeming by-law under Section 49(4), your Committee would have to conduct a study of the lots created by the plan of subdivision and determine that the separate lots were inappropriate for some reason, such as the size of the lots created by the plan, or the surrounding development, or the age of the plan. For example, the Markland Street property was shown on Registered Plan 60, which was registered in the late 1800's. It might be thought by your Advisory Committee that the lots created by that plan are not compatible with the existing City plans for development of that area of the City in the present time.

The Planning Act requires the Council to give notice of the passing of the deeming by-law to every person who appears on the revised assessment roll as an owner of land affected by the by-law. The by-law must also be registered on title at the Land Registry Office and a certified copy of the by-law must be sent to the Minister of Housing.

The Planning Act also requires the Council to hear any person who receives the notice of passing of the deeming by-law. The person may speak on amending the by-law, or repealing the by-law.

From your memo, it appears that you are concerned about the interaction between Lots of Record under Zoning By-law No. 6593, and plans of subdivision. My research shows the phrase "Lots of Record" has no general legal meaning, except in Section 2(2)J(xix) of By-law No. 6593. The phrase defines a parcel of land which could be,

- (i) a lot on a plan of subdivision registered before the zoning by-law was passed, or
- (ii) a conveyance of land, not being a lot on a plan of subdivision, registered prior to the passing of the by-law, or
- (iii) land acquired by the City of Hamilton, Provincial Government, or Federal Government.

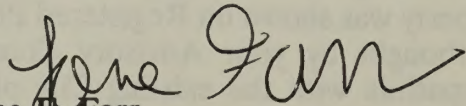
The phrase "Lot of Record" does not occur in the Planning Act.

The City would have to have some cogent reason to invoke Section 49(4), as the deregistration of the plan of subdivision would create legal problems for owners of abutting lots on the plan who want to mortgage or sell their land. As mentioned above, once a registered plan is deregistered, the owner of abutting lots on the plan would have to apply to the Land Division Committee for approval to sell or mortgage the merged lots. It would take some time to get that approval.

There is little case law on the use of Section 49(4). In Re Chartrand and the Town of Hawkesbury, a case decided under the predecessor of Section 49(4), the Court held that the Municipality in carrying out its powers under this section must act in good faith and in the public interest.

The phrase "good faith" means that the City's motive in deregistering the plan must not be a reason unrelated to either planning matters or financial concerns. For example, the City could not deregister a plan because it did not like the original subdivider.

As you can appreciate, it is difficult to determine the number of lots a property occupies without doing lengthy legal searches at the Registry Office. I believe that the 65 Markland Street case was unique in that the property contained four separate lots on a plan of subdivision. On most of the early plans of subdivision in Hamilton, the lots were already subdivided prior to 1949, when the Planning Act was enacted.


Lorne E. Farr,
Assistant City Solicitor.

LEF:js

c.c. Mr. P.R.A. Hooker,
Manager of Legal Services

9b

Tuesday, 1990 June 12
12:00 o'clock noon
Room 233, City Hall

The Hamilton Historical met.

There were present: Mr. D. Cuming, Chairman
Alderman Wm. McCulloch
Mr. C. Beynon
Mr. M. Aikman
Mr. T. M. Bailey
Mr. D. Missett
Ms. C. Gray
Mr. B. Henley
Ms. Margaret Anderson-Herrmann

Also Present: Mr. R. Sugden, Director of Culture and Recreation
Mrs. M. Havelka, Manager of Cultural Services
Mr. D. Keba, Architects Department
Mr. Bill Nesbitt, Dundurn Castle
Ms. Ania Latoszek, Whitehern
Ms. Margory Denton, Children's Museum
Mrs. L. Dale, Secretary

The Chairman welcomed the Curators from the three museums and introduced Mr. Phil Goldsmith from the Quadrangle Architects Limited.

Mr. Goldsmith provided a detailed presentation with respect to the Building Conservation Studies of Whitehern and Dundurn including overheads details of the buildings' exterior and interior. Mr. Goldsmith gave an overview of each building and the surrounding out buildings highlighting the priority areas. The Chairman thanked Mr. Goldsmith for his presentation and advised the Board that Mr. Goldsmith would be attending the Parks and Recreation Committee meeting on 1990 June 19 in order to give the Committee a short overview with respect to the Conservation Studies.

Building Conservation
Studies - Whitehern
and Dundurn

The Board was in receipt of the minutes of the meeting held 1990 May 08, and approved the minutes as circulated.

Minutes

With respect to business arising out of the minutes the Board discussed the funding needs motion that had been approved at the last meeting. It was moved by Brian Henley seconded by Carolyn Gray:

"That Item (c) be reconsidered".

Following discussion it was moved by Dennis Missett seconded by Carolyn Gray and carried:

"That Section (c) of the motion be amended to include an estimated cost of \$195 957 and to be considered in the 1991 Budget Process and that the amended recommendation (including a,b,c.) be forwarded to the Parks and Recreation Committee".

The Board was in receipt of a report dated 1990 June 06 from the Director of Culture and Recreation and approved the following recommendation for consideration by the Parks and Recreation Committee:

Whitehern - Reduced
Admission

That in connection with "Garden Parties" being hosted at Whitehern on July 29 and September 02, 1990 visitors be offered a reduced admission rate of \$1 for adults, seniors and student categories.

1990 June 12

Joint Plaquing
Sub-Committee

The Board was in receipt of a report dated 1990 June 06 from the Director of Culture and Recreation with respect to the joint Plaquing Sub-Committee. The Board nominated Mr. T. M. Bailey and Mr. Dennis Missett to the Plaquing Sub-Committee. However, Mr. Bailey indicated that he wished to withdraw his name and as a result Mr. Ken Bennett was nominated to the Joint Sub-Committee.

The Chairman thanked Mr. Bailey for his initiative and direction over the years with respect to the Plaquing of Historical Sites.

After considerable discussion the Board approved the following recommendation:

- (a) That the attached guidelines including memberships and reporting mechanism for the joint Plaquing Sub-Committee for the Hamilton Historical Board and local Architectural Conservation Advisory Committee be approved.
- (b) That the following members of the Hamilton Historical Board be appointed at the joint Plaquing Sub-Committee being Mr. Dennis Missett and Mr. Ken Bennett.

Strathcona Fire Hall

The Board was in receipt of a report dated 1990 June 07 from the Director of Culture and Recreation with respect to the Strathcona Fire Hall. The Board was advised that this report was prepared at the request of the Parks and Recreation Committee.

Mrs. Marilyn Havelka discussed the report highlighting the preservation, relocation and building use options. Mr. Don Keba, Architects Department addressed the Board with respect to relocation and renovation costs.

The Board discussed the possibility of the Hellenic Community incorporating the building in to their plans.

The Board was reminded of the motion that was passed at the last meeting supporting the saving of the Fire Hall.

The Board discussed the funding needs as pointed out in Alderman Drury's letter. The Board was advised that the Fire Hall Action Committee was meeting on Monday.

A lengthy discussion ensued with respect to the end use of the building and whether the Board was prepared to support the building as a museum. Following discussion it was moved by Ms. Carolyn Gray and seconded by Margaret Anderson-Herrmann

"That the Hamilton Historical Board endorse the preservation, conservation and reuse of the Strathcona Fire Hall, further the Hamilton Historical Board does not support the future use of the structure as a municipally operated museum and recommends that other options as outlined in the Strathcona Fire Hall Report dated 1990 June 07 be considered as alternative uses with future study".
Carried.

The Chairman advised that the Hellenic Community had indicated that they were prepared to give an extension and the Chairman agreed to write a letter requesting that the extension be given to September 1990.

The Board directed that a copy of the report be forwarded to Alderman Drury with a copy of the aforementioned motion indicating that these items would be before the Parks and Recreation Committee on 1990 June 19.

Ms. Margaret Anderson-Herrmann gave a verbal update with respect to the Children's Museum and the status of the Consultant Study.

Children's Museum

The Board received for their information the following Information Reports which were distributed to the Committee:

Information Reports

- (a) Grants Received from the Hamilton Foundation and the Canadian Museum Association for the Hamilton Museum of Steam and Technology
- (b) Information Updates - May Museum Reports
- (c) Upcoming Conferences
- (d) Council Approval - Archaeological Site Survey
- (e) LACAC Minutes
 - i. 1990 April 30
 - ii. 1990 March 26
- (f) Dundurn Castle - 1990 Summer Programme
- (g) Information Items
- (h) Towards New Heritage Legislation for Ontario
 - ii. A Vision of Heritage - Heritage Goals for Ontario
 - iii. A Strategy for Conserving Ontario's Heritage

With respect to Item (h) New Heritage Legislation, the Chairman provided additional background information. The Chairman asked the Board to review the Legislation and to advise the Manager of Cultural Services if they have any concerns.

The Chairman requested that the Manager of Cultural Services meet with certain Board Members in order to draft up preliminary comments with respect to this Legislation.

There being no further business the meeting then adjourned.

Adjournment.

TAKEN AS READ AND APPROVED.

Lynn Dale,
Secretary

MR. D. CUMING, CHAIRMAN
HAMILTON HISTORICAL BOARD

Tuesday, 1990 August 14
12:00 o'clock noon
Room 233, City Hall

The Hamilton Historical Board met.

There were present: Mr. D. Cuming, Chairman
Mr. S. Leslie, Vice-Chairman
Mrs. M. Anderson-Herrmann
Mr. T. Bailey
Mr. J. Best
Mr. B. Henley
Ms. C. Gray
Mr. D. Missett
Mr. J. Rollo

Regrets: Alderman W. McCulloch
Alderman G. Copps
Mr. M. Aikman
Mr. K. Bennett
Mr. C. Beynon
Mr. S. Watson

Also present: Mrs. M. Havelka, Culture and Recreation Department
Ms. C. Coutts, Acting Secretary

The minutes of the Hamilton Historical Board for its meeting held 1990 June 12 were adopted as circulated.

DUNDURN CASTLE RESTORATION RESERVE FUND

The Board was in receipt of a report dated 1990 August 1 from the Director of Culture and Recreation respecting the Dundurn Castle Restoration Trust Fund. The Board approved the following recommendation:

That approval be given to establish a Dundurn Castle Restoration Reserve for the purpose of restoration conservation work to be carried out on Dundurn Castle and Ancillary Buildings.

REMOVAL AND REPLACEMENT OF TREES AT WHITEHERN

The Board was in receipt of a report dated 1990 July 26 from the Director of the Culture and Recreation Department respecting the removal of trees from Whitehern property. After considerable discussion the Board approved the following recommendation:

- a) That to be consistent with historical record, two catalpa trees be purchased and planted in the front gardens of Whitehern to replace the two spruce trees currently occupying this location; and,
- b) That two mountain ash trees, located at the north west and north east corners of the building that are growing immediately adjacent to the wall resulting in deterioration to the foundation, as highlighted in the Quadrangle Architects Building Conservation Study for Whitehern, be removed.

The Board was informed that the removal and replacement of these trees will cost approximately \$1,000 and that sufficient funds exist in Whitehern's existing account No.CH 57301 71205.

The Hamilton Historical Board

1990 August 14

CHILDREN'S MUSEUM TRUST FUND - PURCHASE PROGRAM EQUIPMENT

The Board was in receipt of a report dated 1990 July 26 from the Director of Culture and Recreation respecting the Children's Museum Trust Fund. The Board approved the following recommendation:

That approval be given to purchase program equipment, amounting to \$1,000.00 from the Children's Museum Trust Fund Account.

ORIENTATION AREA TO BE CREATED AT DUNDURN CASTLE - APPROVAL OF FUNDS

The Board was in receipt of a report dated 1990 July 31 from the Director of Culture and Recreation respecting an orientation area for Dundurn Castle. The Board approved the following recommendation:

That approval be given to spend funds from the Furnishings Account to create an orientation area for Dundurn Castle.

Staff were requested to contact the Local Architectural Conservation Advisory Committee (LACAC) to determine if this change will have any impact on its designation under the Ontario Heritage Act as per its Reasons for Designation.

VOLUNTEER POLICY FOR CITY MUSEUMS - DRAFT REPORT

The Board was in receipt of an Information Report dated 1990 July 31 from the Director of Culture and Recreation respecting the Draft Volunteer Policy for use in all five city museums. The Board was informed that comments have been received from the Human Resources Centre and the City Solicitor's Department with respect to this Draft Policy. The Board agreed to accept this Second Draft Report and agreed to place this item on the September meeting agenda for final approval.

CONSERVATION/STORAGE - DRAFT REPORT

The Board was in receipt of an Information Report dated 1990 July 27 from the Director of the Culture and Recreation Department respecting the Draft Report on Conservation/Storage. The Board agreed to accept the Second Draft Report and requested that a final report with staff comments be brought back to the next Hamilton Historical Board Meeting for approval.

Ms. Carolyn Gray suggested that at a future meeting, that the Board review the recommendations included in the above-noted report.

Mrs. Marilynn Havelka, Culture and Recreation Department, congratulated Ms. Carolyn Gray for her assistance in preparing this report.

DUNDURN CASTLE - EARTHSONG FESTIVAL - FUTURE FESTIVAL REPORTS REQUESTED

Mr. David Cuming then presented a verbal Chairman's Report. Mr. Cuming stated that he attended the Earthsong Festivities at Dundurn Castle and reported that no major problems were reported. Mr. Cuming did however

The Hamilton Historical Board

1990 August 14

ask that staff provide a full festival report on the Cari-Can Festival which will be held on the grounds of Dundurn Castle next weekend. Mrs. Havelka stated that she will have this information available at the next meeting.

FUNDING FOR DUNDURN CASTLE AND WHITEHERN IN 1991

Mr. Cuming further added that he was in attendance at the 1990 June meeting of the Parks and Recreation Committee when funding issues for Dundurn Castle and Whitehern were addressed. The Board was informed that the Parks and Recreation Committee is committed to restoring these two museums in 1991.

STRATHCONA FIREHALL PROJECT - TABLED BY CITY COUNCIL

In the absence of Mr. Murray Aikman, Chairman of the Strathcona Firehall Action Committee, the Board was informed that the Parks and Recreation Committee at its meeting held 1990 June agreed to relinquish all funds for the moving of the Firehall. The Board however was informed that City Council agreed to table this matter instead of cancelling the entire project.

LACAC STATUS REPORT - MR. B. HENLEY

Mr. Brian Henley presented a verbal LACAC report and commented on 988 Concession Street, 65 Markland Street and 74 Charlton Avenue East. With respect to the Joint Plaquing Sub-Committee, Mr. Henley stated that as LACAC's representative on the Hamilton Historical Board, that he has been appointed to sit on the Joint Plaquing Sub-Committee as well as Mrs. Nina Chapple. Mr. Henley also added that LACAC is reviewing the proposed changes to the Ontario Heritage Act as they pertain to the Protection of Heritage Buildings.

EARLY HOURS OF OPERATION FOR SOME CITY MUSEUMS - MORE VISITORS ARE ATTRACTED

The Manager of Cultural Services, Mrs. Marilyn Havelka, informed the Board that Dundurn Castle and the Military Museum are experimenting with earlier opening hours and it was reported that an additional 1000 visitors have been attracted.

ARCHEOLOGICAL STUDY UNDERWAY AT DUNDURN CASTLE

With respect to the archeological study at Dundurn Castle, the Board was informed that this study has begun and that many artifacts have been found and it is hoped that more will be found on the grounds.

PLACING OF SIGNS/ADVERTISING IN CITY PARKS

Mrs. Havelka also stated that at a recent Parks and Recreation Committee meeting that the placement of signs in City parks was reviewed. In particular, the Board was concerned that signs are being stuck into the ground at Dundurn Park, an archeological site, and it was concluded that no one will be permitted to dig or place signs in Dundurn Park unless the appropriate approvals are received. Further to the placement of signs in parks, the Parks and Recreation Committee addressed Bench Advertising. Public Works staff were requested to put together a report on Bench Advertising in City Parks and forward the same to a future Parks and Recreation Committee meeting.

The Hamilton Historical Board

1990 August 14

CITY MUSEUMS SPONSORED BY SHERATON HOTEL - RECEPTION

Mrs. Havelka stated that the Sheraton will be hosting a reception on 1990 August 21 at 5:30 o'clock p.m. at the Hamilton Sheraton sponsoring the five (5) city museums. Board members will be forwarded invitations for this event.

PROPOSED CHANGES TO ONTARIO HERITAGE ACT - RESPONSE BY THE HAMILTON HISTORICAL BOARD TO BE PREPARED

As addressed by Mr. Brian Henley, in that LACAC is preparing a response to the Province with respect to changes to the Ontario Heritage Act, Mrs. Havelka stated that she will meet with Ms. Carolyn Gray to put together a similar response from the Hamilton Historical Board with respect to this Policy Review.

MUSEUM REPORTS FOR 1990 JULY

Museum reports for the month of 1990 July were circulated and staff were to be congratulated for increased attendance at the Steam Museum.

JOINT PLAQUING SUB-COMMITTEE - APPOINTMENTS BY LACAC

The Board was in receipt of a memorandum dated 1990 July 24 from the Secretary of the Local Architectural Conservation Advisory Committee respecting appointments by LACAC to the Joint Plaquing Sub-Committee. The Board was informed that Mr. Brian Henley and Mrs. Nina Chapple (staff member) are LACAC's appointments to this Sub-Committee.

The Board felt that LACAC should appoint two committee members and not one committee member and one staff person. The Chairman will contact Mrs. Diane Dent, Chairman of the Local Architectural Conservation Advisory Committee, to discuss this matter further.

INFORMATION ITEMS RECEIVED

The Board received for their information, the following Information Reports which were distributed to the Board:

- a) An Information Report with respect to the relocating of evergreens from the front lawn of Dundurn Castle (York Blvd. side)
- b) Educational Grade 7 Program for the Ontario Museum Association
- c) Fundraising Concert in Dundurn Castle
- d) LACAC Minutes - 1990 June 25
- e) Stabilization and Preservation Priorities for Dundurn Castle and Whitehern

CHILDREN'S MUSEUM QUESTIONNAIRE - RESPONSES RECEIVED

Under "Other Business", Mrs. Margaret Anderson-Herrmann informed the Board that a Children's Museum questionnaire was drafted and sent throughout the Region and that from the 1000 copies distributed, 258 responses have been received.

The Hamilton Historical Board

1990 August 14

MUNICIPAL ARCHIVES ESTABLISHED - STUDY TO BE COMPLETED BY 1991 MARCH

Ms. Carolyn Gray informed the Board that a Municipal Archives has been established and it is hoped that the Consultant's Feasibility Study will be completed by 1991 March.

CAROLYN GRAY CONGRATULATED FOR NEW APPOINTMENT TO ONTARIO ARCHIVES

Mr. David Cuming, Chairman, congratulated Mrs. Carolyn Gray on her recent appointment as Cartographic Archivist for the Ontario Archives.

LETTER OF RESIGNATION FROM JOHN BEST - VACANCY TO BE FILLED

At this time, Mr. John Best announced that because of work conflicts, that he will be resigning from the Hamilton Historical Board and submitted a Letter of Resignation to the Secretary. The Board accepted the Letter of Resignation with regret and Mr. Cuming, Chairman, thanked Mr. Best for his past involvement on the Board. After considerable discussion, the Committee approved the following recommendation:

That the Parks and Recreation Committee take the appropriate action to fill the citizen member vacancy on the Hamilton Historical Board created by the resignation of Mr. John Best.

SUGGESTED PUBLICATION OF HISTORICAL BOARD ANNUAL REPORT

Mr. M. Bailey brought to the Board's attention that the Toronto Historical Board publishes an annual report and suggests that this Board investigate the publishing of a similar document. Mrs. Havelka, Culture and Recreation Department, stated that the Department of Culture and Recreation produces an annual report and will check with the Director of Culture and Recreation to see if this can be included in the Department's Report. This item will appear on the next agenda for discussion.

There being no further business, the meeting then adjourned.

Taken as read and approved

**Mr. David Cuming, Chairman
Hamilton Historical Board**

C. J. Coutts, Acting Secretary

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Ontario

Ministry of
Culture and
Communications

Ministère de la
Culture et des
Communications

77 Bloor
Toronto, Ontario
M7A 2R9

M7A 2R9

Ontario Heritage Policy Review
20th Floor

(416) 963-0775

Your File:

Our File:

August 30, 1990

Ms. Nina Chapple
Architectural Historian
The Regional Municipality of Hamilton-Wentworth
Planning and Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Ms. Chapple: *Nina*

Thank you for your recent response to Towards New Heritage Legislation for Ontario: Proposals for Legislation. The time and thought you invested in providing the Ministry with feedback will assist in ensuring we confirm the best possible heritage legislation for Ontario.

Thank you for your contribution to this important process.

Sincerely,

Greg Baeker
Executive Coordinator

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SEP 10 1990

REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH,



CHARTER

Ministry of
Culture and
Communications

Ministry of
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Ministry of
Culture and
Communications

August 30, 1990

Mr. H. H. H.
Minister of
Culture and
Communications
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Dear Mr. Minister:

Thank you for your recent response to my letter of July 11, 1990. I am pleased to hear that you are interested in the project and that you are planning to visit the site. I will be happy to provide you with the necessary information and assistance.

Thank you for your contribution to this important project.

Sincerely,

[Signature]
Guy Barker
Executive Director

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CULTURE AND
COMMUNICATIONS
AUG 31 1990



New
Communique

9d

Office of the
Premier

Cabinet du
Premier ministre

RELEASE: Immediate
DATE: July 20, 1990

HERITAGE YEARS TASK FORCE REPORTS

Ontarians should celebrate upcoming significant historical anniversaries by organizing community events while the provincial government provides leadership and support, the report of the Premier's Task Force on Heritage Years recommends.

The report entitled "Ontario Together," compiled by task force chair John Eakins, Victoria-Haliburton MPP and deputy chair Bruce Owen, Simcoe Centre MPP makes a series of recommendations on the role the province should play in marking historical anniversaries between 1991 and 1993.

During this three year period numerous important anniversaries will occur related to the province's social, cultural, political, scientific and industrial past. The historic dates include the 200th anniversary of the passage of the Constitutional Act of 1791, the 125th anniversary of Confederation and the 200th anniversary of the first session of the first Legislature of Upper Canada in 1992 and Toronto's bicentennial in 1993.

Last fall, Premier David Peterson asked the task force to consult extensively with community-based cultural organizations, municipal officials, and provincial heritage groups across the province and submit recommendations based on their findings.

"The Task Force's work has left no doubt that the potential for public participation in the Heritage Years -- on the part of municipalities, heritage organizations and others -- is great. That potential would be effectively tapped by Heritage Years programs that combine provincial government leadership and local initiative," the report concluded.

The report also recommends the province support local initiatives which "piggy-back" on existing events such as local festivals and exhibits; that reflect the multi-cultural nature of Ontario and are of an enduring value.

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HAMILTON-WENTWORTH

"I am pleased by the sensitive and practical recommendations provided by the task force. I believe the suggestions provide the government with a framework that will encourage community participation and enthusiasm," Premier Peterson said.

Since receiving the report, the premier has asked Mr. Eakins and Mr. Owen to work with Culture and Communications Minister Hugh O'Neil to continue to develop plans for Heritage Years celebrations.

Any community groups or individuals interested in obtaining copies of the report should contact the Ministry of Culture and Communications, Heritage Branch, at 965-4021

REFERENCE: Premier's Press Office
(416) 965-1931

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THE PEOPLE IN CHARGE

18. The people charged with administering the Heritage Years program at the provincial level should be genuinely committed to history and heritage. They should be inspired by the same commitment and dedication that is so evident everywhere in the heritage community.

TIME IS SHORT

19. Finally, since time is running short, the government needs to act as soon as possible in planning Heritage Years programs. The anniversaries of those years offer Ontario several opportunities to increase our understanding of the past, to strengthen our sense of identity, to build community spirit, and to bring people together — but if those opportunities are to be realized the government must not delay.

ONTARIO TOGETHER

THE REPORT OF THE PREMIER'S TASK FORCE ON THE HERITAGE YEARS

Members of the Premier's Task Force on the Heritage Years:

John Eakins, M.P.P., Victoria-Haliburton: Chairman

Bruce Owen, M.P.P., Simcoe Centre: Vice-Chairman

Support Staff:

Dr. Curtis Fahey: Historian

David Selby: Coordinator

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PART FIVE: RECOMMENDATIONS

The following recommendations summarize the main points made in Part Four. Together they represent the Task Force's vision of the Heritage Years, a vision based on advice and suggestions offered to us by heritage groups and organizations, municipal officials and others across Ontario.

LOCAL INITIATIVE AND THE PROVINCIAL ROLE

1. The Heritage Years should primarily centre around local initiatives. The provincial government's role should be one of leadership and coordination. It should take responsibility for provincial initiatives, support and encourage local initiatives with seed money and expert advice, help publicize local events, and provide thematic focus to the programs and events.

NEW MONEY

2. Whatever money is made available for the Heritage Years, it must not be taken out of existing programs. Heritage Years money must be new money.

CORPORATE SPONSORSHIP

3. The possibility of corporate sponsorship at the local level of Heritage Years programs should be looked at. The Heritage Years initiative, however, should not be dependent on the recruitment of corporate sponsors.

LOCAL ORGANIZATION

4. To encourage local initiative and decision-making, serious thought should be given to the possibility of forming Heritage Years committees at the local level. These would be responsible for recommending — within guidelines established by the government — projects for provincial financial assistance.

INTER-MINISTERIAL COOPERATION

5. All government ministries should be encouraged to develop Heritage Years programs, under the leadership of MCC as the lead ministry.

ENDURING VALUE

6. Heritage Years programs should have enduring value. The Heritage Years must not resemble a province-wide party.

INVOLVE ALL ONTARIANS

7. All parts of Ontario and all parts of the population must be involved in the Heritage Years. The programs of the Heritage Years will have to recognize the multicultural fabric of Ontario; and the Native people, the first discoverers of the province, deserve special recognition.

LOCAL ANNIVERSARIES

8. Local anniversaries should be as important as provincial ones in the Heritage Years. MCC should continue its research on Heritage Years anniversaries, and local communities and groups should be encouraged to compile anniversary lists of their own. The latter could be submitted to a central registry for distribution across the province.

THE QUESTION OF DATES

9. The Heritage Years program must not become obsessed with dates. The anniversary dates should be focal points designed to encourage Ontarians to explore and commemorate their entire history — both before and after 1791.

THE PLACE OF JOHN GRAVES SIMCOE

10. The Simcoe era — and especially the Constitutional Act of 1791 — has to be central to the Heritage Years. However, to involve all regions of the province and all of its many peoples, this period should be treated as one in which doors opened on 200 years of Ontario history. At the same time, Heritage Years programs should stress Simcoe's legacy to the social, economic and political system of modern-day Ontario.

THE ROLE OF THE YOUNG

11. The involvement of young people in the Heritage Years is essential, and to achieve that goal the educational system has to play a vital role. The Ministry of Education should consider the possibility of introducing new curriculum material on Canadian history as well as such programs as essay-writing competitions, student exchanges, touring theatrical productions in the schools and so on.

A LEARNING EXPERIENCE FOR ALL

12. For all of us, the Heritage Years should give us an opportunity to explore the past and deepen our understanding of it. Programs need to be developed that will turn the Heritage Years into a learning experience for the entire population. This goal could best be achieved through such means as the production of books and videos, the holding of conferences and workshops, and the staging of special museum exhibits.

TAPPING EXISTING EVENTS

13. Whenever possible, Heritage Years programs should "piggy back" on existing events, such as local festivals and exhibits as well as touring exhibits organized by the National Archives, the Art Gallery of Ontario, the Royal Ontario Museum and other institutions.

TOURISM

14. Given the potential of the Heritage Years for increasing tourism, the Ministry of Tourism and Recreation should be encouraged to lend a Heritage Years focus to its tourism advertising.

RECOMMENDED PROVINCIAL PROJECTS

15. Royal visit, June 10, 1991, perhaps revolving around a major event in Toronto with representatives of the province's various cultural communities in attendance, and trips to the Six Nations Reserve and northern Ontario; Cabinet meeting in Kingston, July 1992; special commemoration in September 1992 at Niagara-on-the-Lake of the first session of the first legislature; various Simcoe-related events in the United Kingdom (in cooperation with Ontario House, London); collaborative projects with Celebrations Montreal; participation in Ministry of National Defence (Ottawa) military band festivals; integration of the Ministry of Natural Resources's plans for the 1993 provincial parks centennial into the Heritage Years program; collaboration with the Ministry of Education in developing new curriculum material on Canadian history for the school system; a provincial calendar of Heritage Years events, distributed across Ontario.

SUGGESTED PROVINCIAL PROJECTS

16. Touring museum exhibits, videos and radio and television "vignettes" on Ontario history (in cooperation with TV Ontario); conferences, seminars and workshops; student exchanges; essay-writing competitions (with the winners presented to the Royal Family during the June 1991 visit); touring theatrical productions on historic themes.

RECOMMENDED LOCAL PROJECTS

17. Local history and oral history projects; museum exhibits; local conferences, seminars and workshops; homecomings; local theatrical productions and historic re-enactments; genealogical research projects; special events such as dedication ceremonies; sports events with an historic focus (for example, re-creations of early hockey games).

Ontario Council



THE ARCHITECTURAL CONSERVAN
Ontario Heritage Centre, 10 Adelaide St
Toronto, Ontario, Canada M5C 1J3

Telephone 367-8075

August 1, 1990

To: LACAC Contact *Diane*

From: Helene Fallen, ACO Workshop Coordinator

In planning our exciting 1990-91 Workshops, I wanted to extend an invitation directly to your membership. As the newly printed brochure indicates, this Workshop Series will explore issues most communities face and ways to effectively deal with them.

And of course we have two reknowned leaders in the field, Herb Stovel and Albini Soucy, to lead the way.

DESIGNING FOR CONSERVATION though intimate in scale (under thirty participants at each workshop) will have representatives from a number of neighboring areas along with your own. As well, its makeup will reflect a variety of interested constituencies- LACACs, other heritage groups, municipal governments and related design fields.

I have enclosed brochure/registration forms. If you can use and/or distribute them to other LACAC Members, the structure of this weekend workshop project will be further enhanced.

Please distribute this information to any other members of your community you think would benefit from attending a workshop.

The Architectural Conservancy of Ontario and the Ministry of Culture and Communication, along with myself, most appreciate your interest and help. We hope to meet some representatives of your LACAC at one of the workshops.

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AUG 17 1990

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Designing for Conservation

◆ a travelling workshop ◆

for heritage advocates,
design professionals &
heritage administrators

to explore the care we give to
buildings & sites we save.

Six weekend workshops
throughout Ontario
Fall/Winter 1990-91

organized by

THE ARCHITECTURAL
CONSERVANCY OF ONTARIO INC.

The Sponsoring Organization

THE ARCHITECTURAL CONSERVANCY was formed in 1933 by a group of public-spirited citizens who were concerned about the increasing loss of significant buildings across the province. The Conservancy strives to prevent further destruction of our built and natural heritage by encouraging the retention and thoughtful re-use of existing structures.

ACO branches have been established in many municipalities and regions in Ontario: Quinte, Port Hope, Durham, Toronto, Hamilton-Niagara, Cambridge, North Waterloo, Brant County, Oxford County, London & Huron County.

The ACO encourages the formation of new branches.

The Architectural Conservancy of Ontario Inc.
10 Adelaide St. E., Toronto, Ontario M5C 1J3
Telephone (416) 367-8075

Workshop Leaders

HERB STOVEL, OAA, MRAC, is a conservation architect, heritage planner and educator with seventeen years of public and private sector experience in the heritage field. He is currently director of the non-profit Institute for Heritage Education which he established in February 1988. He has been Director of Education for Heritage Canada and for six years, Restoration Architect for the Ontario Heritage Foundation. Always actively involved in the preservation movement's professional organizations, Mr. Stovel is currently an ICOMOS Canada Vice-President, on the International ICOMOS Executive Board, and President of the Association for Preservation Technology (APT).

ALBINI SOUCY is a management and training consultant with fifteen years of experience in advising private and public sector clients in both of Canada's official languages. Over the past seven years, his special interest in heritage conservation has made his skills an indispensable adjunct to training programmes organized by Heritage Canada, ICOMOS Canada and the provincial governments of British Columbia and Ontario. His "train the trainers" workshops have introduced many Canadian preservation professionals to the means and benefits of effective communication.

The Architectural Conservancy of Ontario gratefully acknowledges the support of the Ministry of Culture & Communications.

"We shape the environment we inhabit with every decision we make - in a sense designing it with our choices. If we do this within a conservation framework, our communities will grow and prosper and retain the character which gives them their identity."

Herb Stovel

Designing for Conservation led by

Herb Stovel & Albini Soucy

This workshop will focus on the principles that come into play in conservation and their most appropriate application. It will also look at the design tools available to communities and their best use in achieving conservation goals.

Areas covered will include...

- understanding & evaluating the qualities that give heritage buildings & sites special significance
- the design mandate in heritage conservation: choosing approaches which respect both heritage character & encourage improved use
- the decision-making process as the key to successful design choices
- convincing others of the merits of your design ideas or proposals
- effective organization within the community to achieve conservation goals

Activities will include...

- slide lectures
- workshop discussion
- design judgement exercises

This workshop will be of equal interest to designers & non-designers. To be held in...

Greenhurst, Fri./Sat., Sept. 21-22, 1990
North Bay, Sat./Sun., Oct. 27-28, 1990
Brookville, Sat./Sun., Nov. 3-4, 1990
Kitchener, Fri./Sat., Jan. 18-19, 1991
Toronto, Fri./Sat., Feb. 15-16, 1991
Goderich, Sat./Sun., March 23-24, 1991

* previously scheduled for Oct. 20-21

Registration Form: Designing for Conservation

Name _____

Address _____

City _____ Postal _____

Phone (work) _____ (home) _____

My primary affiliation or role is:
(please check ✓)

- ☐ informed heritage advocate ☐ planner
☐ design professional ☐ LACAC member
☐ heritage administrator ☐ other _____

I wish to attend the workshop in...

- ☐ GRAVENHURST • Fri./Sat., Sept. 21-22, 1990
☐ NORTH BAY • Sat./Sun., Oct. 27-28, 1990
☐ BROCKVILLE • Sat./Sun., Nov. 3-4, 1990
☐ KITCHENER • Fri./Sat., Jan. 18-19, 1991
☐ TORONTO • Fri./Sat., Feb. 15-16, 1991
☐ GODERICH • Sat./Sun., March 23-24, 1991

Fridays 3-10 pm (working supper included)
Saturdays/Sundays 9 am-5 pm

* previously scheduled for Oct. 20-21

LIMITED ENROLMENT. FEE: \$75 per workshop

To assure a place at this innovative intimate-scale workshop series, please mail this registration form along with a cheque payable to...

The Architectural Conservancy of Ontario Inc.
c/o Helene Fallen, Workshop Co-ordinator
The Architectural Conservancy of Ontario Inc.
10 Adelaide Street East
Toronto, Ontario M5C 1J3

If there is a need for funding to attend this workshop, assistance may be available from the Ministry of Culture & Communications or the Ministry of Northern Development & Mines. Contact your local field office of the M.C.C. or the nearest Northern Development office.

Garland

ON LEGISLATION

We're devoting this space to a reader, E. W. Kowalski, director of community development for Hamilton, Ont., to provide a continuation of the debate on rehabilitation policy in Ontario.

Kowalski wrote in response to a two-part series, which began last June, about the problems a landlord encountered

in rehabilitating his property. The comments, below, provide an excellent perspective on how the Low Rise Rehabilitation Program works in a smaller city.



Hamilton has its say

The Department of Community Development, city of Hamilton, has been delivering all federally and provincially sponsored rehabilitation programs to the citizens of our city since 1974. The provincial Low-Rise Rehabilitation Program has proven to be very successful, despite the highly regulated, potentially contentious circumstances found in the private rental markets of Ontario.

The low-rise program has done so well because from a practical, delivery agent's stand point, it is well designed for its purpose, probably the best program we have dealt with, and treats both owners and tenants very fairly.

Your article (Working with Regulations, Sept./Oct., 1989, *Building Renovation*), cited concerns about some of the program restrictions, but the landlords of Hamilton have had, in our experience, very few problems with them.

Making 10% of the units available to rent-supplement tenants, if the option is ever exercised by the local housing authority, has a very small impact on the building's social character, especially since landlords are given some choice in selection of tenants. Besides, with vacancy rates where they are (in Ontario), finding a vacant unit on which to exercise the option is purely academic.

The mortgage securing the government's forgivable loan to the landlord serves one main purpose: he can't misrepresent his source (and thus cost) of rehabilitation funds to Rent Review, or mask the building's obligations at the time of sale to a new owner.

It should be noted that the mortgage can at any time be placed behind two other mortgages, even when the owner's equity gets to be as low as 10% of appraised value, conditions that will never prove onerous to any legitimate building investor.

The government does not, as you say, "take control" of the building. The owner merely accepts some very fair conditions, for which he (and his tenants) get usually two-thirds of all repairs free, and pay for only one

third. And that cost, after a Rent Review, is usually capitalized and put through to the tenants who, in our experience, see the deal they are getting and are happy to pay.

We have in Hamilton been averaging about \$6,000 per unit; since \$4,000 is essentially free, coming from the pro-

gram, the owner must finance \$2000 and the tenants pay in turn about \$20 more per month once Rent Review has been completed. For \$20 the tenant gets a very-much-improved apartment.

We have found that building owners who apply for the provincial Low-Rise Rehabilitation Program have to answer only one question: "can I pass all of the costs of rehabilitation through to the tenants, and still keep good tenants?"

If he has average market rents and risks forcing them too high because of the rehabilitation, or can not finance the work, then he should opt for the program. It will lower his potential rent increases and financing requirements by two thirds, but yet keep his building on a par with others that have been well maintained.

Buildings that are dilapidated to the extent of the one you cite, and thus cost much more than the average, present special problems, but not unsolvable ones. The requirement about obtaining tenant permis-

sion on high-cost projects (which is difficult, no doubt of that) can be avoided by phasing the work, doing enough before program application to lower the costs below the trigger levels.

Further, many of our applicants have had success allowing tenants, in apartments that require significant work, to move to vacant units while their own are being completed. Tenants, nevertheless, have proven very cooperative and have shown a real willingness to have con-

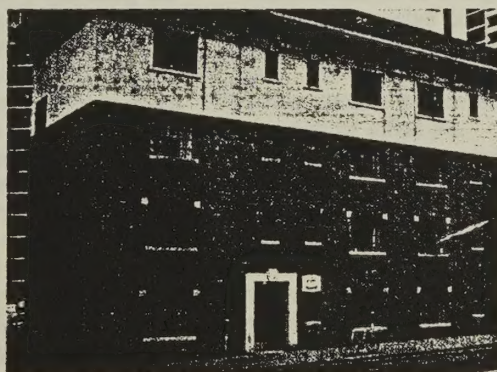
tractors do considerable work in their units while still remaining resident.

In closing, I would like to note that the program works superbly 95% of the time; owners find their required input and the red tape to be very minimal; the terms for the money given are very fair and all up front. It's a win-win situation.

The City of Hamilton is proud of its success with this program; we presently have commitments for \$10,300,000 for the rehabilitation of 1,483 units.

Editor's Note:

The bureaucratic molasses of procedures and restrictions is a well-known hazard when dealing with various levels of government, but success is possible, as the above information indicates. ●



Rob Herman's property, before renovation.

THE POLITICS OF PERSUASION

Edmonton's heritage policy encourages restoration through a tax-rebate incentive.

One of the first companies to take advantage of Edmonton's new policy to encourage the designation and rehabilitation of municipal historic resources was Stewart, Green Properties Ltd., owner and developer of the Hudson's Bay Centre on Jasper St.

A planned, \$60 million redevelopment of this city block will feature a larger, 160,000 sq ft Hudson's Bay store on four levels and 185,000 sq ft of small retail space, including a food court.

Restoration plans for the building's historic facade will benefit from \$1,623,000 in tax rebates, granted by the city to the developers over four years in accordance with the policy.

The city designed a three-level series of tax incentives to encourage owners to rehabilitate their vintage buildings and extend the useful life of Edmonton's historic structures while generating additional tax revenue.

Once a building has been designated a municipal historic resource by city council, it cannot be demolished. As compensation, the building owner is eligible to receive financial incentives from the city for a maximum of seven years.

Level 1 offers a rebate equal to the value of the building only portion of the property taxes, for a maximum of five years. The land portion of the property taxes is not affected. The incentive applies as of January 1 of the year in which council designates the property a municipal historic resource. It is hoped that the tax relief pro-

vided by Level 1 will prevent the demolition of old buildings to make way for the inevitable parking lots.

Level 2 comes into effect when the owner rehabilitates the building. It entitles the owner to a maximum two-year rebate or cancellation of all property taxes—both the land and building portions—at a time when cash flow can be a problem.

Level 3 provides an annual tax rebate for a maximum of five years equal to the amount of any increase, in the property tax, above the amount that was paid in the year before construction begins (the base year). The five-year period starts the year the occupancy permit is issued.

For example, if the property taxes on a building before rehabilitation were \$100,000, the owner would continue to pay \$100,000 each year for five years, even though the taxes on the property would rise annually. All taxes above the base level would be rebated to the property owner.

In year six, compensation would be complete, and the owner would begin paying full property taxes. The aim here is to help with a building's cash flow during the critical years following rehabilitation.

Because not all projects experience a substantial increase in property taxes after rehabilitation, an alternative incentive is possible at Level 3. The City could pay the costs to rehabilitate certain architecturally and/or historically significant portions of the building.

The limit of seven years for incentives is designed to encourage owners to get restoration under way quickly.

The City wanted to ensure the policy would be flexible, to meet the needs of each case. Therefore, compensation may not only be in the form of a tax rebate but also a land use density transfer or a land swap.

This policy would apply to 50 to 70 Edmonton buildings that are worthy of municipal historic resource designation. If all these owners took advantage of both Level 1 and 2 compensation, it would cost the City only \$4.3 million over five years. (It is difficult to estimate the cost of Level 3 compensation because each case will be different.)

The mechanics of this policy work. Extensive consultation with business associations, developers and building owners has ensured that it will be effective.

Both levels of government have expressed strong support for the policy in principle. Lucien Bouchard, federal minister of the environment, wrote, "I support the principle of improved tax incentives to encourage the preservation of older building by all levels of government". Doug Main, Alberta minister of culture and

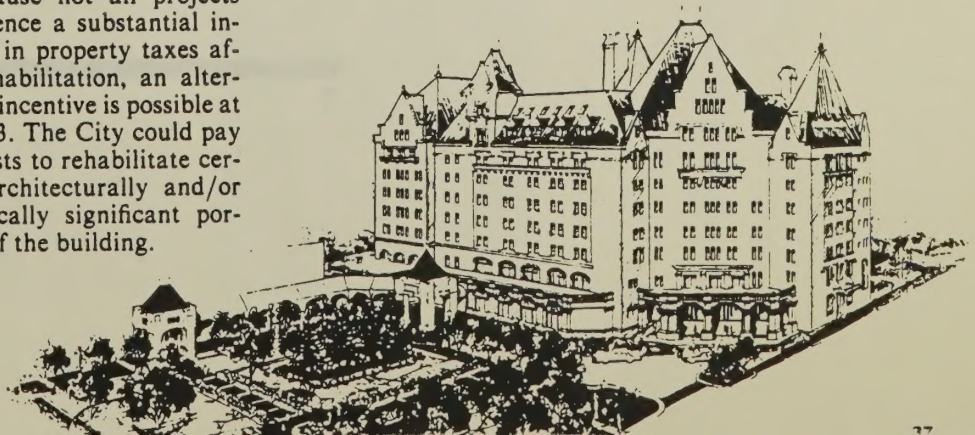
multiculturalism, commended the city for "developing a very innovative strategy" to deal with the issue of municipal historic designation. Unfortunately, although both levels of government have been approached for a commitment of support and funding, no funds will be forthcoming from either senior levels of government, due to the current atmosphere of fiscal restraint.

Following close on the heels of approval for the Hudson's Bay restoration, more than \$20 million has been committed to restore the Hotel MacDonald by its owner, Canadian Pacific Hotels & Resorts. This includes municipal tax concessions of \$900,000 over a five-year period and additional concessions on the land to be designated park land.

The 75-year-old hotel, closed since 1983, will be transformed into a small exclusive facility. The restoration is intended to restore the Mac to its original 1915 grandeur. The exterior facade, lobby, Confederation lounge, Wedgewood room and Empire ballroom are all designated as municipal historic resources. □

Duncan Frazer is Edmonton's heritage officer and helped draft the new legislation.

The Hotel Macdonald is the second project approved for funding under Edmonton's new policy.



Niagara Escarpment Declared UNESCO Biosphere Reserve

by Barbara McIntosh

Ontario's Niagara Escarpment has recently been declared a biosphere reserve by the Bureau of the UNESCO Man and the Biosphere Program.

A biosphere reserve is defined as a characteristic ecosystem combining both conservation and sustainable use of natural resources. Previously designated biospheres include the Galapagos Islands of Ecuador, Serengeti National Park in Tanzania and the Florida Everglades.

The Niagara Escarpment is a continuous geological landform stretching through southern Ontario from Queenston Heights to the islands off the tip of the Bruce Peninsula. It contains a wealth of geological and archaeological resources and supports many forms of rare plants and wildlife. The Niagara Escarpment Plan, introduced in 1985, is designed to preserve the natural heritage of the Niagara Escarpment through land use designations and a system of development control. Over 100,000 people live within the Niagara Escarpment Plan area and an additional six million live within a one hour drive.

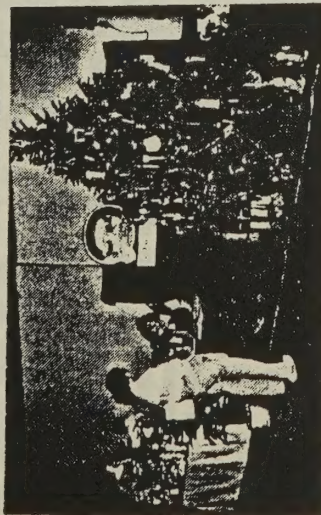
The UNESCO designation as a biosphere reserve confirms and supports the land development control program of the Niagara Escarpment Plan on an international level.

The Ontario Heritage Foundation administers the Niagara Escarpment Trust Fund which is dedicated to the purchase of land for the Niagara Escarpment Parks system and for heritage protection and stewardship projects.

THANKS TO VOLUNTEERS!

Since our first meeting in May 1990, many volunteers have been busy working for the Centre. The sewing committee has already made aprons and curtains and are now busy making costumes. Other volunteers attended the Rockton Antique & Hobby Show information display which caught the interest of visitors with a fresh, decorated Christmas tree. Our volunteers have also been busy distributing the Centre's brochure, planning exhibits, assisting with this 'update', working on the Miserer house, providing refreshments for meetings, assisting with the collection, and planning the outdoor decorations. A heartfelt thanks goes out to:

Elizabeth Nowell
Allan Case
Russ & Betty Burgess
Gladys Grinyer
Dorothy Jones
Irene Hunt
Amanda Cutler
Grazyna Moskwa
Chris Cutler
Brian McKibbin
Joyce Dawson
Betty Pleper
Denise Harvey
Susan Drong
Joan de Kat
Marlon Ruiter
Joanna Chapman
Vi Collins
Maureen Emmerton
Bill Hoffman
Al Hawkins



CORPORATE SPONSORSHIP

Several firms have already offered their generous assistance in the development of the Centre and we extend our grateful appreciation to:

Para Paints,
Mississauga
Desi's Roofing,
Burlington
Daymar Decorating,
Cambridge

Westfield's Staff of 1990

Roodalyn Brown
Historic Collections Officer
Amette Gerard
Graphic Designer
Len Martin
Museum Intern
Alieja Moskwa
Collections Computer Assistant
Garth Gentry
Our "Indispensable" Maintenance Man
Larry Travers
Heritage Carpenter
Don Coles
Architectural Assistant & "Heritage" Painter

Westfield Heritage Centre
 Rockton, Ontario
 L0R 1X0
 (519) 621-8851

Hamilton Region Conservation Authority
 838 Mineral Springs Rd., P.O. Box 7099
 Ancaster, Ontario L9G 3L3
 (416) 525-8151



Hamilton Region Conservation Authority

UPDATE

Westfield Heritage Centre

ROCKTON, ONTARIO

Dear Friends...

For most of us summer is a time of family holidays, of sweltering days, of watermelon and evening corn roasts. But for the staff and volunteers of the Westfield Heritage Centre it has been a time of bustling activity, of buildings being reconstructed, of fresh coats of paint, of volunteers making curtains and others repairing and cleaning toys.

The "Village" as we all like to affectionately call it, has come to life. Like any community it's people that make it happen, that imbue a place with meaning and with purpose.

Under a bright sun and a canopy of blue sky, all of those involved in the Village have been working towards another season. A season of gingerbread men, and dolls and rocking horses and

apple cider and one jolly old soul.

This winter we invite you to join with us another miracle as Christmas unfolds at the Westfield Heritage Centre and together we make a "Christmas in the Country" a special part of another holiday tradition.

Chris Cutler
 Chairman,
 Historic Sites Board,
 H.R.C.A.

VOLUNTEER'S MEETING

Join us on Wednesday, September 5, 1990 at 7:00 p.m. for the Volunteer's meeting and find out what all the excitement is about.

Volunteers have made an invaluable contribution to the site since its beginnings and Westfield will only be successful through this continued support. Whether you currently volunteer at Westfield, or are interested in learning more about the opportunities available, you won't want to miss this very important meeting.

A brief tour will highlight new construction developments and also the special features of the Christmas program. The meeting, directly after the tour, will provide an opportunity to discuss the proposed organization of the volunteer group.

We look forward to seeing old friends and meeting new ones at Westfield Heritage Centre on September 5, 1990.

PROGRAM AND CONSTRUCTION NOTES...

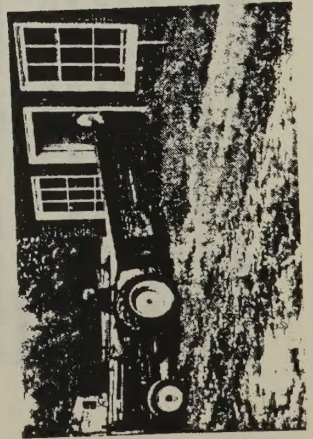
Thirty years have passed since Westfield was founded as a pioneer village and now after a five year closure, it's full steam ahead!

The Hamilton Region Conservation Authority is currently undertaking the development and management of the park on behalf of the Regional Municipality of Hamilton-Wentworth and all efforts are focused on a December opening.

The Centre will be the setting of a wide variety of heritage related events starting with "Christmas in the Country". We will be open for educational and tour groups as well as the general public.

Imagine a quaint rural setting aglow for the Yuletide Season when we open the doors to more than a dozen heritage buildings decorated for Christmas.

The 1850's log house will be filled with the aroma of fresh baked goods as 'Mrs. Lockhart' shares the traditions of a pioneer family.

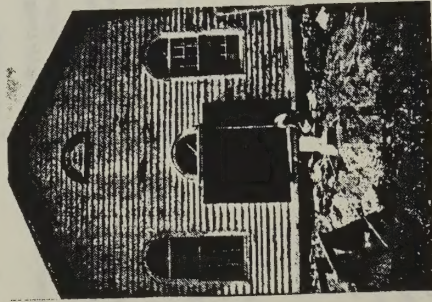


Hot cider and scones will be served by the crackling fireplace of the Inn.

Visitors may watch the creation of chocolate delights in the little Chocolate Shoppe or the printer busy at his press.

The Heritage Hollow Gift Shop, operated by Fieldcote Museum volunteers, will have an excellent selection of quality gifts for sale.

Children of all ages will enjoy a visit to the Playful Pastimes Toy Store to see the toymaker and his many toys - antique dolls, boats, games, puzzles, tea sets and much more! Upstairs in Grandma's Attic are dress up clothes, books to read and games to play for the little ones.



The Photographic Historic Society of Canada is assisting the Centre with the set-up of an Edwardian style photo studio complete with darkroom, furnished parlour 'set' and camera. Have an old fashioned family portrait taken for the holiday as a souvenir.



SANTA NEEDS YOU!

Santa needs many helpers to work together to make Westfield Heritage Centre's "Christmas in the Country" a success! You can assist in any of the many activity areas listed below:

Decorating - Many volunteers are needed to make Christmas decorations and decorate the trees and buildings. Start saving pine cones, natural dried materials, scraps of fabric, ribbon, lace, fine wire, construction paper, foil, paper doilies, floral oasis; and plan to borrow glue guns, scissors and staplers.

Interpretation for Public Program - Interpreters are needed on December 1, 2, 8, 9, 15, 16, 22, 23, 29, 30 from 10:00 a.m. - 5:00 p.m. A training session is provided on Saturday, November 24, 1990. An interpreter's duties may include giving tours, assisting and directing visitors, demonstrating activities, helping with food services, answering questions, etc.

Education Program - Helpers with the school tours interpret buildings, assist with the craft segment, help provide lunches, etc. The program runs during the week from November 26 to December 21, 1990.

Marketing - Marketing the Centre includes distributing brochures and posters, manning the information display at various fairs and shows (see the Calendar for tentative dates), visiting schools, etc.

Sewing - Join us to make costumes, curtains, aprons, shawls, tablecloths, etc.

Food Services - Light lunches need to be prepared in the Tea Room for school classes during the week. Costumed helpers will be needed to serve refreshments at the Inn on weekends.

Exhibits - Do you know of anyone with an antique toy collection for the Toy Store display? Help is also needed in planning and constructing the "Road to Avonlea" exhibit and also to set-up and operate the Print Shop.

Carpentry - There are many carpentry jobs to be done and they include building tables for the Inn, construction of a mock film set and making a miniature landscape.

If you're interested in learning more, call the Centre or complete and return the enclosed application form.

P.S. WE NEED "SANTAS" !!

MISNER HOUSE PROJECT

The Misner House was built near Troy by Conrad Misner in the 1830's and was one of the first buildings to be moved intact to Westfield Village in the 1960's. Many members of the Misner family still live in this part of Ontario.

Over the years severe water damage occurred and the HRCA was unable to afford the restoration within the limited budget allocated by the Region for the Westfield Heritage Centre.

Several people felt that the house was an important one and must be preserved, so they have commenced the restoration of the Misner House with volunteer labour and materials. At present the plaster has been removed, the split-lathe carefully taken off for later re-use and the roof covered with a tarpaulin to prevent further damage. Plans have been drawn up for the necessary structural repairs which will begin shortly. Volunteers include Warren Simpson, Russell Burgess, Joanna Chapman, Al Hawkins (Contractor), Ed Karaluk (Engineer) and Brian McKibbin (architect).

If you would like to donate your skill, materials or funds for this exciting project please contact Joanna Chapman at (416) 627-5370.

by Joanna Chapman

Misner House - Volunteer Organizer

ODDS AND ENDS

We already have a wedding booked in the Church June 15, 1991!

Our new "gingerbread" trim on several buildings was copied from original Ontario patterns by a young couple in Bowmanville.

We've already distributed over 3,000 brochures to area information centres

We're looking for amateur entertainers or community groups to perform in the Church. Can you suggest anyone?

Lisa Martin has joined our staff as a Museum Intern. Funded by a grant from the Ministry of Culture and Communications, Lisa will be with us until August 1991.

A new computer and laser printer has arrived to make our work much easier!

Old Mill Restaurants CHAT tours has designed a package bus tour program between the Restaurant, Dundurn Castle and Westfield for December and a Toronto group have already booked!

CKDS Radio and CFTO-TV have recently featured the Westfield story...

From paint analysis, the original interior colour of the Methodist Church was pale pink.

Mrs. Claus (Betty Pieper) has already had several fittings for her elaborate 1890's period costume.

The dismantled Victorian Hotel c. 1845 formerly located at Mud Street & Mt. Albion has arrived - in pieces - at Westfield. Over the next several years it will be re-erected as the Centre's food service centre.

A CHILD'S CHRISTMAS IN THE COUNTRY EDUCATIONAL PROGRAM

"A Child's Christmas in the Country" educational program will be available for kindergarten to grade six students from November 26 to December 21, 1990 starting at 10:00 a.m. and 1:00 p.m. The innovative two hour program will provide an exciting educational experience for school groups.

An information kit will be sent to over 800 area schools in September, but we have been surprised to already have several early-bird teachers book their classes! For detailed program information, call us.

We are pleased to be able to work with Sullivan Films to present a family oriented exhibit in the Potts building based on the popular Road to Avonlea T.V. series. Artifacts from the Centre's collection used on the original sets will be highlighted with photographs and props. A special 'meet and greet' day will host some of the series' young stars.



A major project this year has been the restoration of the Mountsberg Church. new foundation, pine floor, paint, lighting and heating, will return the church to its mid-19th century appearance. Music and entertainment will be ongoing here every weekend in December.

The 1850's Gillen House will host Santa and Mrs. Claus and has been painted and wallpapered for the occasion.

Several other heritage buildings have new cedar roofs, while many have had much needed repairs, cleaning, fresh paint (inside and out), etc.

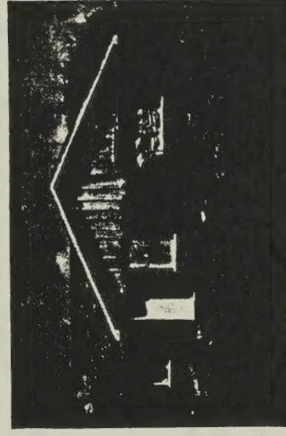


The installation of underground hydro service to many of the buildings is underway and will be completed by Authority staff in the fall. This is a very important step towards future development at the site and will allow us to create a Christmas fantasy.

As the construction segment of the 1990 season nears completion in September, staff will commence work on the interior furnishings and exhibits, along with interpretive program development and implementation.

Work continues to be on schedule and we're confident that all will be ready for the opening in late November - see you then!

by Wendy Evans
Heritage Projects Coordinator



CALENDAR OF ACTIVITIES FOR WESTFIELD HERITAGE CENTRE

AUGUST

- 18 Dundas Cactus Festival, Dundas.
Westfield outdoor information display from 9:00 a.m. to 6:00 p.m.
- 22 A sewing bee in the Tea Room from 9:00 a.m. to 4:00 p.m. to cut out material and sew costumes, curtains, aprons, etc. All sewers welcome.
- 30 - Sept. 3 Paris Fair, Paris. Westfield information display.

SEPTEMBER

- 5 Volunteer Meeting. Open to anyone interested in helping at the Centre. Please join us at the Westfield Tea Room at 7:00 p.m. and discover what all the excitement is about.
- 6 Fieldcote's committee meeting for the Heritage Hollow Gift Shop (Westfield's Christmas store) in the Tea Room.
- 8 Christie Antique Classic, Christie Conservation Area, Westfield information display.
- 17 Tri-County Carriage Association meeting to be held at Westfield at 7:30 p.m. to discuss a Christmas carriage display at the Centre.
- 18-22 International Ploughing Match, Brant County Westfield information display.
- 28-29 Limeridge Mall Voluntary Action Centre exhibit
Westfield will have an information display Friday and Saturday.
- 29 Outdoor Christmas lights installed at Westfield. Everyone welcome.

OCTOBER

- 5-8 Rockton Worlds Fair. Westfield indoor information display.
- 16 & 18 Christmas decoration bee.
Come and help make decorations for either or both days.
- 20 - 21 Royal Botanical Gardens Antique Show & Sale.
Westfield information display.

NOVEMBER

- 17 Hamilton Santa Claus Parade. Horse and carriage entry.
- 24 Christmas Interpreters Training Day from 10:00 a.m. to 3:00 p.m.
- 26 Educational program starts at Westfield.
- 29 Media day - special afternoon program for area press.
- 27-Dec. 2 Winter Festival of Friends, Hamilton Convention Centre.
Westfield information display.

DECEMBER

- 1 First day of public program.
- 2 Official Opening of Westfield Heritage Centre - 2:00 p.m.
- 3-7 Educational program
- 8, 9 Public program
- 10-14 Educational program
- 15, 16 Public program
- 17-21 Educational program
- 22, 23 Public program
- 24-26 Not open
- 27, 28 First Base YMCA program
- 29, 30 Last weekend of public program



The above events, dates and times are subject to change.
Please contact us at (519) 621-8851 for confirmation.



Museum In-9i

Corporation of the City of Hamilton

Dundurn Castle • The Children's Museum • The Hamilton Military Museum • The Hamilton Museum of Steam & Technology • Whitehern

Volume 1 Number 2

May 1990

THE INTERNATIONAL MUSEUMS DAY EDITION !

May 18 was International Museums Day! It was first designated in 1977 by the International Council of Museums (ICOM) in order to promote museum awareness around the world. Learn more about our community's history and culture and visit your museums!

In Canada, International Museums Day coincides with National Tourism Awareness Week.

Museums and art galleries are one of the greatest resources of growth for the tourism industry in this country. More than 51 million people visited museums and related institutions last year, according to Statistics Canada. More important is the unique role museums play in preserving our heritage and giving people a better understanding of our country.

CITY MUSEUMS OFFER OPEN HOUSE...

On Saturday, May 19th, the five City Museums (Dundurn Castle, The Children's Museum, The Hamilton Museum of Steam and Technology, The Hamilton Military Museum and Whitehern) offered free admission. This special day was set aside to celebrate both International Museum's Day and National Tourism Awareness Week. Many visitors came to the sites and learned about our heritage and culture!

NEW VIDEO...

Also for the occasion the museum staff have been busy preparing a new video entitled "Cities Have Memories Too". The Executive Producer is Bill Nesbitt from Dundurn Castle. Our appreciation to CHCH-TV 11 for the production assistance.



HAMILTON HISTORICAL BOARD 1990

A very important bit of information was left off the first edition of "Museum In-Site" - Colwyn Beynon's name was omitted from the list of Board members. While we have this opportunity we would also mention that Colwyn served on the Board as Chairman during 1989.

A joint Plaquing Sub-Committee consisting of Board members and LACAC representatives has been meeting for the past several months. The purpose is to establish criteria and guidelines for a programme which will plaque important buildings of historical or architectural significance. Once the guidelines are in place, a committee will be formed to carry on with the project.

The new Board Mandate was approved by City Council in January and the Roles and Responsibilities were endorsed by Parks and Recreation Committee at its February meeting.

Lynn Dale has replaced Susan Reeder as the new Secretary to the Hamilton Historical Board. Thanks to Susan for her support and dedication over the past few years.

MUSEUM STANDARDS TO BE REACHED BY 1990 !

In 1981, the Ministry of Culture and Communications for The Province of Ontario, established standards for community museums. These standards which touch upon six basic areas of museum operation include Statement of Purpose; Collections Records Management; Conservation; Research; Staff Training; Exhibition; and Interpretation/Education. They have been carefully written to promote

excellence in every aspect of the museums' operation and are integral to the preservation and presentation of the objects museums hold in public trust for the community.

Over the past few years these standards have been implemented by client museums and have been monitored through the yearly submission of the Community Museum Operating Grants. By 1990, these standards are to be met. The "Museums of the City of Hamilton" have submitted all of the policies covered by the six standards some time ago. In fact, these policies are presently being reviewed and updated where necessary. The Statement of Purposes or Mission Statements of the museums were re-written in 1988 and at present the Collections Record Management Policy is under review. By the end of this year, all collections will be fully catalogued and documented as the maintenance of collections records is a primary function of every museum.

By meeting these standards, museums in this Province will not only be enhanced and strengthened but will provide greater enrichment to the community it serves.

CMA BURSARIES

Two Short Term Study Grants were provided recently by the Canadian Museum Association. A contribution was made towards travel costs for a Whitehern staff member to attend the Ontario Museum Association's three day course on "Educations in Museums". The other bursary was received by the Manager of Cultural Services to attend the Legal Affairs Symposium in Ottawa. The Canadian Museum Association receives support for its bursary programme from the Museum Assistance Programme, Department of Communications.

MCHAPPY DAY VIII

On Wednesday, April 25, McDonald's Restaurants held their eighth annual "McHappy Day" event to raise money for the Ronald McDonald Children's Charities of Canada and local children's charities. The Hamilton Military Museum was pleased to be a part of this worthwhile cause.

Fran Donnelly, Curatorial Assistant at the museum, as well as other volunteers, assisted McDonalds at Dundurn and Main Streets over the busy lunch hour period. Other Historic Sites' staff managed to leave their respective museums and support the cause by purchasing a "Big Mac".

Half of the price of the hamburger was donated to charity.

Community efforts help to increase the Military Museum's visibility in the community as well as continuing a good working relationship with the McDonald's/Military Museum's group booking programme.

LIVE STEAM AT THE HAMILTON MUSEUM OF STEAM AND TECHNOLOGY

The Museum, with the cooperation of the Golden Horseshoe Live Steamers, opened its latest temporary exhibit on March 29. The Great Train Show exhibits the work of the club in creating working miniature steam locomotives. The exhibit is augmented by a history of railways in Canada (including the Toronto, Hamilton and Buffalo Railway), a catalogue, videos and a children's activity area. The exhibit has generated considerable interest reflected in a 50% increase in visitation.

The closing of the exhibit was marked by the re-opening of the greatly enlarged Golden Horseshoe Live Steam Railway on the museum

grounds, which was attended by about 250 people. The new track will carry the working miniature steam locomotives built, owned and operated by the members of the GHLS. The models are fully functioning steam locomotives—they look, smell and run like their full size cousins. The models are between 3 and 6 feet long and can weight over 200 pounds. At almost 1,200 feet long, the track will be the largest line of its kind in Ontario.

The club will be holding steaming days at the track on the following dates in 1990:

June 10

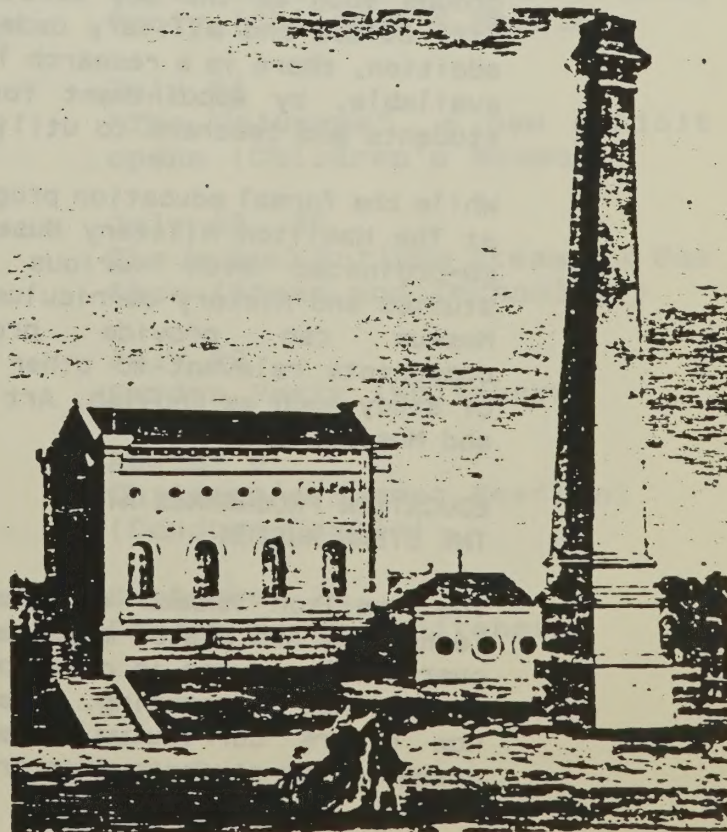
July 15

July 28-29

August 19

September 3

October 14



EDUCATION PROGRAMMES

MUSEUMS LAUNCH NEW EDUCATION BROCHURE SERIES

During Education Week , April 16-22, the Museums of the City of Hamilton announced the publication of a new series of brochures outlining education programmes offered at the various museums.

The first in the series was piloted by The Hamilton Military Museum with the remaining pamphlets making their appearance within the next few months.

The Museums have, for many years, been involved in providing curriculum - relevant, entertaining, and often "hands-on" programming for students of all ages and abilities. Programming is also available for pre-schools, youth groups, adults and seniors.

The Hamilton Military Museum's educational brochure offers formal educational programming at both the grade school and high school levels. Programmes are also available to youth groups such as the Boy Scouts, the Girl Guides and military cadets. In addition, there is a research library available, by appointment for both students and teachers to utilize.

While the formal education programmes at The Hamilton Military Museum are co-ordinated with various social studies and history curriculums, the Museum can provide programme components relevant to other fields of study such as English, Art Drama, and Music.

EDUCATION PROGRAMMES AT THE STEAM MUSEUM

The Hamilton Museum of Steam and Technology has placed major emphasis over the last year in developing its educational programming. The museum now offers curriculum based programming for students from primary

through to post-secondary levels in the areas of: Environmental Studies; Urban Geography; General Science; and Canadian History. Students can study the working life of those who worked at the Hamilton Waterworks in the 1860's; discover solutions to the 19th Century urban issues of water supply and pollution; experiment with the practical applications of simple machines such as levers, gears, and inclined plans.

As well, the museum offers education programmes to technology students at the high school, post-secondary or apprentice level.

The museum has been promoting these programmes directly to regional schools. As a result, the museum has enjoyed a 350% increase in school programmes over this period last year.



Museums of the City of Hamilton

PROGRAMMES

AT THE

HAMILTON MILITARY MUSEUM



SHOP TALK

Dundurn Castle - The shop is now fully stocked for the busy tourist season. Some interesting new best sellers include pewter stirrup cups, packages of appropriate flower and vegetable seeds and seed greeting cards which are made in Canada of recycled paper.

The Military Museum Gift Counter - Some new items have been added to the gift shop including prints of Fort York, 1804 and the Battle of Queenston Heights, 1813 and a poster of the Weapons of the War of 1812. Other novelties are the pencil sharpeners shaped like cannons and dolls outfitted as highland pipers and drum majors.

The Steam Museum - Just in; a stock of books from Shire Publishing in England which produces an extensive series of books on industrial history and collectibles.

SUMMER AT THE MUSEUMS OF THE CITY OF HAMILTON

LOCATIONS AND HOURS JUNE 1 TO LABOUR DAY:

Dundurn Castle: daily,
11:00 am-4:00pm.

Hamilton Military Museum:
daily,
Noon to 5:00pm.

Whitehern: daily,
11:00am - 4:00pm.

Hamilton Museum of Steam and Technology: daily,
11:00am - 4:00pm.

Children's Museum:

Tues - Sat, 11:00am - 4:00pm.
Sun - 1:00pm - 4:00pm
Mon - Closed.

Note: closing hours represent times when last tickets are sold.

NEW EXHIBITS AND SPECIAL EVENTS

June 12, 14, 19
Seniors Carousel Garden Teas
(Whitehern)

July
"Hamilton Waterworks 1859 to Present", a new exhibit.
(Steam and Technology)

July 8
Garden Tours (Whitehern)

July 15
Microcosm, nineteenth century crafts (Dundurn Castle)

July 22
Children's Museum 12th Birthday Party (Children's Museum)

July 24
"The Universe", a new exhibit opens (Children's Museum)

July 28, 29
The Annual Antique Steam and Gas Show (Steam and Technology)

July 29
Garden Party (Whitehern)

August 6
Children's Summer Festival
(Dundurn Castle)

September 2
Garden Party (Whitehern)

NEW ACQUISITIONS AT THE HAMILTON MUSEUM OF STEAM AND TECHNOLOGY

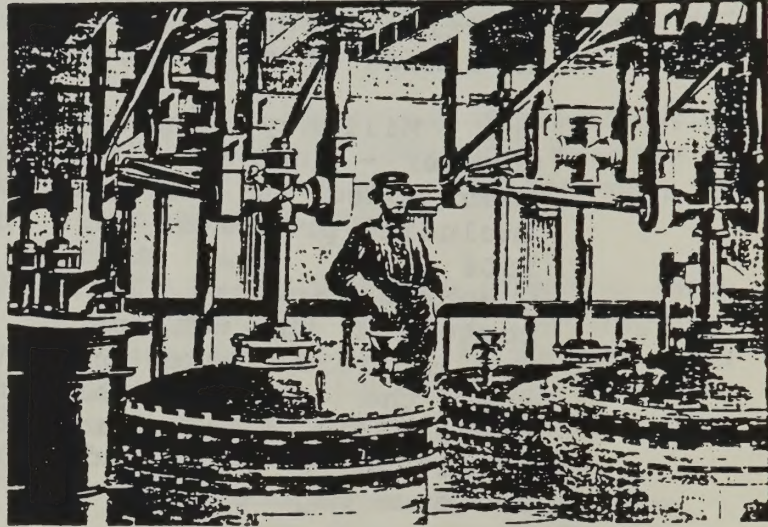
The museum has acquired several important items that relate directly to the history of the Hamilton Waterworks. First, the Regional Engineering Department discovered a file of turn-of-the-century Waterworks documents including an annual report for 1895.

This report incorporated a chart detailing water consumption by year for the period 1861-1895 and a study of the cost of water pumping for the year 1919. Both of these documents shed fresh light on the history of the Waterworks. Most recently, a small watercolour of the original reservoir (painted in 1878) was uncovered by members of the Regional Engineering Department in their files. They have generously agreed to donate these materials to the museum.

The museum has also recovered four pieces of office equipment from the Water Meter Department from the era when the department operated from the Assistant Engineer's House (built circa 1859). The items included a portable stencil copier, a recording thermometer and several books.

The museum has also been offered the a variety of materials belonging to John Rowley, formerly Chief Mechanical Officer for the Toronto, Hamilton and Buffalo Railway. The materials include: his library of technical books; a number of photographs; some archival material and three models.

The material is of interest because Mr. Rowley was involved in the transition from steam to diesel locomotives at the TH&B Ry. The materials indicate some of the thinking behind such a significant change in the company's operations.



IMPORTANT CANADIAN UNIFORMS

The Military Museum acquired the uniform of a Lieutenant serving in the Canadian Air Force circa 1921. Its a rare find since this service only existed for a few years following World War 1 before the formation of the Royal Canadian Air Force in 1924.

The badly worn carpets in the Nursery and Sitting Room at DUNDURN CASTLE were replaced with reproduction IN-GRAIN carpets. Samples of all replaced carpets are being stored in the Castle's records.

WHITEHERN'S DRAWING ROOM TAPESTRY RUG is still receiving continued conservation treatment under the expertise of Laurie Connon.

COMPUTER AGE COMES TO DUNDURN

In its 90 years as a museum Dundurn Castle has developed a collection of nearly 20,000 artifacts. These range from magnificent examples of 19th century art and craftsmanship to homely, everyday items, but every piece is a potential source of information for the curious visitor or researcher. However, it has not been possible to utilize this large collection fully because of an out-dated manual collections record system.

Fortunately a computerized collections management workstation has just been installed at the Castle with the generous assistance of The Hamilton Foundation. Currently the existing files are being entered into the system. Once this is completed all the artifact and donor information will be linked together in a powerful system of cross references.

Research requests which once took days to answer will now be completed in minutes. Files can be up-dated easily, and routine preventative maintenance can be scheduled automatically. Eventually the computer will allow the Castle to link up with other museums in the province through the Trillium information network.

Although a computer may seem out of place in a 19th century Villa, it is hoped that its use will help to develop a better understanding of life in early Hamilton through a careful study of the artifacts of that time.

T. B. MCQUESTEN ROSE

The MacNab Street Presbyterian Church initiated the development of "The Honourable T.B. McQuesten Rose" which will be officially dedicated and launched in the MacNab Memorial Gardens, June 1990.

The Church's anniversary served as a catalyst for this splendid project to honour one of Hamilton's outstanding citizens whose contributions have meant so much to the province.

The rose is a hybrid especially developed in England and is now being bred in the White Rose Nurseries' headquarters in Goodwood, Ontario. The rose bush produces a glorious golden bloom throughout the summer months. In the Spring of 1991, the flower will be available at nurseries across Ontario.

Whitehern is pleased to accept a number of roses for planting in its garden. Acknowledgement of this special gift will be made during Whitehern's Garden Tours on Sunday, July 8.



STRUCTURAL STUDIES AT THE MUSEUM

In early 1990, Professor Martin Weaver, the noted conservation consultant, submitted his final preliminary report on the preservation of the Gartshore engines at the Steam Museum. The report highlighted that although the engines and building were stable, there were a number of matters that required immediate attention to ensure the long term preservation of this internationally significant site.

Professor Weaver commented, at one point, that since the structural engineer on the consulting team had not had the opportunity to test the load bearing beams in the Pumphouse, he could not recommend allowing more than five people into the building at any one time.

In response to these statements, the museum contracted the Weaver team's structural engineer, Mr. Paul Stumas to conduct the necessary tests to establish safe loads in the Pumphouse. Mr. Stumas carried out these tests in April and reported his results in early May.

Mr. Stumas established that the building is structurally sound. The areas open to the public can accept very large loads. In particular, the engine deck (the area he highlighted in the original report) could safely handle a load of 26,000 pounds or roughly 150 people.

Mr. Stumas further stated that if the engines were ever operated again, some structural work would be required to deal with the additional stresses.



90 YEARS AS A MUSEUM !

Dundurn Castle was first opened to the public as a museum on Victoria Day, 1900. Since those early days, when a trip to the museum included a visit to the attached zoo, Dundurn has become one of the finest restored historic houses in the country.

The Castle will be celebrating its 90th anniversary with a variety of special exhibits and events.

On May 19th a temporary exhibit featuring photographs and archival material from the Castle's recent history will be unveiled. The museum's theme will continue on May 21st with a series of demonstrations of "behind the scenes' activities at Dundurn.

The day will end as it did 90 years ago, with a spectacular display of fireworks over the Bay!

STAFF ON THE MOVE

Julie Galbraith, the temporary Education Interpreter at the Children's Museum has filled the position of Education Intern. This one year grant position, funded by the Ministry of Culture and Communications and the City of Hamilton, will provide Julie with on-the-job museum training, and allow her to assist with the museum's busy exhibition schedule.

Tom Minnes, Assistant Head Historical Interpreter at Dundurn Castle, has assumed the position of Acting Education Officer at the Children's Museum.

Stephen Eadie has joined the staff at the Hamilton Museum of Steam and Technology as an Historical Interpreter. Previously he had worked as an interpreter and blacksmith at Doon Heritage Crossroads, and more recently was a student at Sir Wilfred Laurier University. He has a long standing interest in steam locomotives and engine restoration.

Rebecca Oliphant and Linda Millar have joined the staff at Dundurn Castle as Historical Interpreters. Also, the summer staff have been hired and have begun training. Welcome to Margaret Andrews, Corrina Grohmann, Maryanne Hedley, Lindsay Hill, Ingrid Jonasson, Lisa Kowalchuk, Carol Simmons and Beth Wakeford.

Scott Cino replaced Christopher Butler as the Co-operative

Education placement at the Hamilton Military Museum. Both students are from St. Thomas Moore High School.

Marjorie Denton, Curator of the Children's Museum, has just returned from a joint conference of the American Association of Youth Museums (AYM) held in Chicago. The theme of the conference which attracted 3,500 delegates, was "Congress of Ideas". Membership in the AYM has increased from 120 to 180 members, which shows that the Children's Museum and Centre movement is growing rapidly.

Bill Nesbitt, Curator of Dundurn Castle, attended the annual conference of the Ontario Historical Society in Sault Sainte Marie. Bill spoke at the conference, entitled "Innocence and Impudence; Perceptions of Childhood", on the use of "hands-on" teaching in the museums.

Marilynn Havelka, Manager of Cultural Services, attended the Canadian Museum Association's "Legal Affairs Symposium - Part Two", in Ottawa. She also attended the Festival Country annual conference and general meeting in Kitchener; "The Strength From Within," dealing with the challenge facing the tourism industry.

Ania Latoszek, Curator of Whitehern, recently received the Certificate in Museum Studies from the Ontario Museum Association. Nine museum courses

and related papers are required for certification. Congratulations to Ania!

Audrey Nimmo - an Historical Interpreter at Steam and Technology, Cathy Masterson - Cook/Demonstrator at Dundurn Castle, and Diane Collins - Curatorial Assistant at Whitehern, attended the Ontario Museum Association course "Education Programmes," conducted by John Carter of The Ministry of Culture and Communications.

Doug Huculak, Custodian at Steam and Technology, participated in the O.M.A. course, "The Historic Building as a Museum," conducted by the Property Restoration Unit of the Ontario Heritage Foundation.

Lois Corey - Curatorial Assistant at the Children's Museum and Dave Adames - Head Historical Interpreter at Dundurn attended the second annual "Children's Festival" in Niagara Falls as presenters. Over the course of the 3 day event they spoke to some 5000 children, parents, and educators about children's programming at the Hamilton Museums.

VOLUNTEER HONOURED AT THE HAMILTON MUSEUM OF STEAM AND TECHNOLOGY

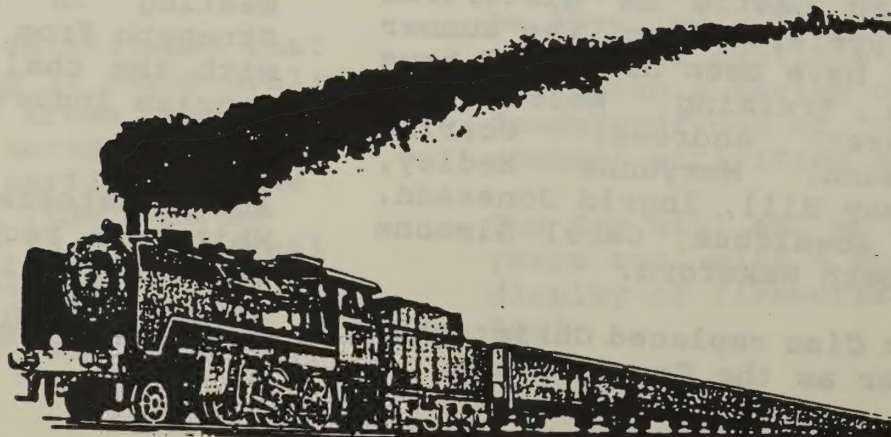
Norm Makin was the first recipient of the Joe Newton Memorial Award as the individual who has contributed most significantly to The Hamilton Model Engineering Club over the past year. The award was presented on May 15, 1990 at a regular club meeting.

The Hamilton Model Engineering Club meets at The Hamilton Museum of Steam and Technology and works with the museum on exhibits and special events.

The award was inaugurated in memory of Joe Newton, a long time member and supporter of the museum, and a model builder of considerable artistic talent.

Mr. Newton's working model is a centrepiece of The Hamilton Museum of Steam and Technology. He is remembered fondly at the museum.

Our congratulations to Norm Makin.



AN EVEN DOZEN...

THE CHILDREN'S MUSEUM will be celebrating its 12th birthday this summer. Officially it falls on July 22 but due to the exhibit change the museum will not open until July 24th. Therefore the birthday party will be celebrated in Gage Park adjacent to the museum on July 25th. The programme includes the following entertainment:

10:30 a.m.

Owen Anderson.....comic and magician

11:30 a.m.

Hotcka Schmargianski...one man parade

12:30 p.m.

Laurel D. Gugler.....reading from the authors own children's book

1:30 p.m.

Jonger Bonger ...singer and guitarist

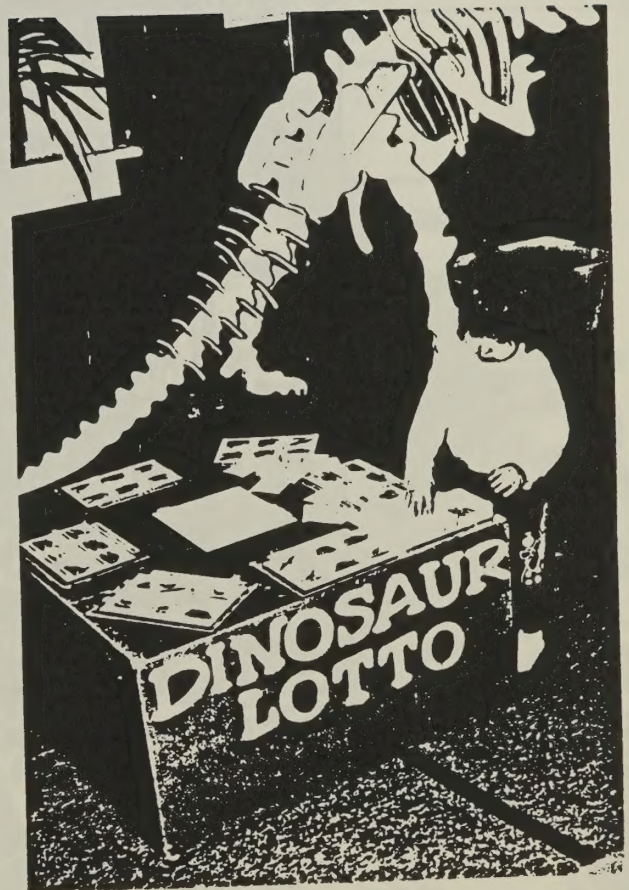
2:30 p.m.

Craig Douglas.....comedian & juggler

.....plus other surprises.

The birthday party is being supported by KIDSUMMER 90 which will list the event in a calendar distributed through Toronto Life Magazine and on air promotions with CHFI FM98.

Admission will not be charged to the birthday party or to the museum from July 24th-26th inclusive.



SPONSORSHIP

Whitehern wishes to thank The Hamilton Musician's Guild, Music Performance Trust Fund and The Hamilton Spectator for their generous support of the outdoor summer concert and garden party programmes at the site.

"AN OASIS"

The Reverend Calvin McQuesten described his family's garden at Whitehern as "an oasis in the desert". Today, visitors enjoying the gardens' beauty can see traces of its historic development over three generations. The existing design, vegetation, ornamental details and structures are a part of the gardens' story. Furthermore, Whitehern is fortunate to have additional research information within the family garden journals, personal letters and photographs.



Willowbank (Whitehern),
1853

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IMPAC 9j



A Publication of Heritage Canada's Canadian Heritage Network

Heritage Preservation and the Garbage Crisis

By Doug Anderson

■ The waste management crisis that has hit virtually every major city in North America may be the best friend that heritage has ever had.

The construction industry, as anyone who has visited any new subdivision can attest, is wasteful. According to a report from the Toronto Home Builders Association (THBA), about 16% of all landfill waste is from the construction industry. Despite appearances, only 2-3% is generated by new home construction – a far larger percentage comes from demolition. Why perfectly sound buildings get carted off to the dump is just one of the many waste management issues of the nineties.

An average brick house will produce between 60 and 100 tons of waste. Large municipal dumps are already banning certain types of construction waste and with the right combination of pressure and logic, demolition waste could be next.

Tipping fees for waste disposal have increased 600% since 1983 in Metropolitan Toronto; other cities are close behind. In a THBA survey 65% of builders rated waste related costs as a high concern.

Clearly the range of priorities that preservationists have advocated all along mesh very closely with the environmentalists. No longer is the preservation of a beautiful old building simply an aesthetic issue.

The watchwords of the nineties are reuse and recycle – anything that can be, should be. There is no reason why buildings should be an exception. Preservation on an existing site is obviously the least wasteful option, followed by relocation to a new one.



But even if a building has to be demolished, its materials – bricks, timbers, pipes, fixtures – can and should be recycled. Most importantly from our point of view, the irreplaceable handiwork of nameless bygone craftsmen can breathe new life into the sterility of modern homes. Very little should have to go to the dump.

Up until about ten years ago, buildings were demolished by salvage companies who manually separated all the bricks, boards and pipes for resale to whoever wanted them. It was a dirty job, but depending on the building, the cost of demolition was sometimes fully covered by the sale of used materials. Anybody could go to a demolition site and dicker with the foreman to buy doors, windows, fireplaces, or whatever.

But then, about ten years ago, developers discovered just how fast a big hydraulic shovel could do the job – 8 hours vs 3 weeks. And it all went to the dump – the

craftsmanship of a bygone era buried alongside the potato peels.

From an economic point of view, demolition still has a substantial edge over preservation, but the gap is a lot smaller.

But from a political viewpoint, municipalities are receptive to anything that will help solve the garbage crisis. The time is ripe for preservationists to press the case for tougher demolition by-laws.

The long-standing animosity between preservationists, municipalities and developers will not melt away overnight but fate has given us a new ally who is already sitting in the driver's seat.

Ref. Making a Molehill out of a Mountain - Toronto Home Builders' Association - 1990.

Doug Anderson is the publisher of the Whitby Free Press, a weekly community newspaper serving one of the rapidly growing communities east of Toronto. The material for this article was originally published in two segments in that paper in March. It was revised and abbreviated by the author for publication in Impact.

TAKING CHARGE

ST. JOHN'S, NEWFOUNDLAND
Sept. 12-15, 1990

This year's theme: "Taking Charge: how you can use heritage resources to regenerate your community"

- a national forum on major trends and issues in the heritage movement today
- concurrent seminars on how to get organized and market your community resources
- workshops in Newfoundland coastal communities on renewal through heritage
- dinners in historic homes ● tours
- awards banquet

CONTACT:

Conference Coordinator
Heritage Canada
P.O. Box 1358, Stn. B
Ottawa, Ontario K1P 5R4
(613) 237-1066



HERITAGE
CANADA

Annual Conference

PRESERVATION UPDATE

City of Toronto Heritage Incentives

*By Robert Millward, Commissioner, Planning and
Development Department, City of Toronto*

■ The City of Toronto's Planning and Development Department uses a number of economic incentives, available under the City's Official Plan and Zoning By-law, to support local heritage preservation.

Together with the Toronto Historical Board, the Department works closely with the development industry to ensure that projects involving heritage structures not only meet the city's heritage preservation and other public objectives but also are viable redevelopment projects from the viewpoint of the private sector. All heritage incentives are carefully monitored to ensure that the best possible heritage preservation solution is achieved and that the public interest in preservation is being well served.

An important incentive frequently used by the City of Toronto is the density bonus. The City's Central Area Plan directs Council, upon application therefor, to pass by-laws excluding, in certain sections of the city, the floor area of a designated building from density calculations — thus becoming extra or bonus density. "Section 1A.42 (b)," as it is called, is governed by the density limits of the affected zone. The owner must sign a heritage easement agreement which then ensures the long-term preservation and maintenance of the building.

Experience with the incentive has shown that it is a blunt instrument. It does not distinguish between the different qualities of heritage buildings, nor recognize exceptional costs of some restorations. As a result, the owner of a heritage building that has many exceptional features necessitating huge restoration or maintenance costs is not entitled to a greater compensation than is given to a building where the reason for designation is its façade alone. In recent years City Council, on the recommendation of the Commissioner of Planning and Development Department, has occasionally granted additional increases in density allowances in these cases. Additional density bonuses have also been granted to building owners in exchange for providing rent-free space to non-profit cultural users in order to ensure public access to significant heritage interiors.

Density Bonuses

City Council has also given, on a case by case basis, density bonuses to building owners who have partially retained only significant portions of heritage buildings in a new development. This type of heritage preservation, however well intentioned, has in recent years become quite contentious. The City is aware that many preservationists, who do not consider this kind of activity to be preservation at all, argue strongly against bonus incentives in those cases.

Use incentives are also employed by the City. In accordance with the King-Parliament Part II Plan, City Council can grant permission for a use in a heritage building which is

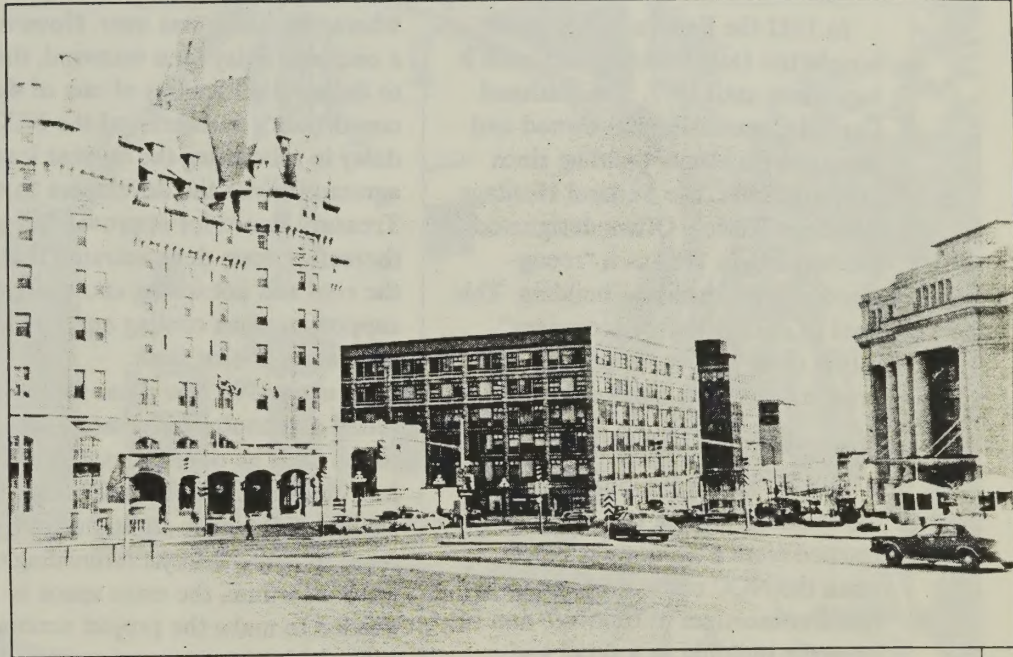
not normally allowed in its locality, but which would result in saving a building which might not be able to accommodate the normally permitted use. Applied in a general way only in the King-Parliament industrial area, the use incentive allows the owner to use the building for commercial, institutional or community service purposes. Council has also granted such use incentives on a site-by-site basis outside King Parliament, through the site specific Official Plan amendment process.

Density Transfers

A density transfer is yet another instrument in the economic incentives tool kit. It is used in special circumstances: where there is little or no space for a new development on the historic site; where no opportunities exist to expand the lot; where development is undesirable over or adjacent to a building; or where the historic building, and therefore the bonus, is very small. At present, the City of Toronto has a density transfer policy only for central core performing arts heritage buildings. Rarely has a density transfer been applied to non-performing arts buildings by City Council. This incentive is used cautiously, because it has the potential to undermine the planning basis of the City's Official Plan.

Reduced development standards have also been used as a heritage preservation incentive. For example, under the City's Zoning By-law, Council may waive parking or loading requirements for designated buildings. When redeveloped, any part of the retained heritage building continues to carry the exemption.

Unfortunately, the City of Toronto cannot yet offer tax incentives for heritage preservation, but enabling legislation to permit tax incentives is proposed as part of the Ontario Heritage Policy Review. This issue and the use of the City's above-mentioned incentives are currently being reviewed in consultation with the Toronto Historical Board as part of the City Plan 91 process.



Furor Over Ottawa's Daly Building

By Edwinna Von Baeyer

Ottawa's eighty-five year old Daly Building has been called everything from "an architectural gem" to "a piece of junk." This controversial building has been threatened by demolition many times since 1977 when the federal government vacated it. Each time it has survived only to face another threat.

Constructed in 1905, the Daly Building began its life as a department store — the first of its kind in Ottawa. Moses Chamberlain Edey, the architect, also designed the Aberdeen Pavilion which the City of Ottawa is restoring. Edey built the Daly Building in the Chicago Style, an architectural style which led to the modern skyscraper. It is one of the earliest Canadian examples of this style.

The rectangular building was originally four stories tall. Its façade resembles a grid: large three-part window panels are framed by an uninterrupted vertical and horizontal steel framework thinly clad in Gloucester limestone. The large glass surfaces and unornamented piers

and lintels reflect the Chicago Style's intent to reveal rather than mask the building's steel cage superstructure. In 1913 an additional two floors were added onto the original building and a seven storey extension was built on the north end. The entire building was crowned by a projecting cornice, probably fabricated from pressed metal. This cornice was removed in 1964 and replaced by a flat fascia.

The Daly Building is located on the north-west corner of the intersection of Sussex Drive and Wellington Street — a crucial node on a section of the Ceremonial Route between Parliament Hill and the Governor General's residence.

Jacques Dalibard, Executive Director of Heritage Canada, feels very strongly that the Daly Building's significance also lies in its contribution to the "marvelous architectural mixture" surrounding Confederation Square. It is part of what Dalibard calls the "eclectic catalogue" of architecture in that area, ranging from the neo-classic style, the chateau-style, to the starkly modern style of the National Arts Centre.

In 1921 the Federal government bought the Daly Building and used it for offices until 1977. The National Capital Commission has owned and managed the empty building since the mid-1980s. The Federal Heritage Buildings Review Office designated the building in 1983 as a "recognized" federal heritage building. This level of designation "encourages" rather than "directs" an owner to protect a heritage building.

Rescued From Limbo

In 1987 heritage groups thought the building, at long last, had been rescued from a precarious limbo when the NCC chose a Montreal-based consortium to renovate and restore the building as a retail and office complex. The firm's architectural plan included changing the mass of the building by adding a glass extension, an enormous skylight the length of the building, and an additional storey to be used as an office penthouse. The developers agreed to preserve the façade and replace the original two-metre high cornice.

All the interested parties thought they could turn their attention else-

where, the battle was over. However, a one year delay then occurred, due to financial difficulties of one of the consortium's partners and the NCC's delay in submitting the 66-year lease agreement with the developers to Treasury Board for approval. Soon thereafter, tests demonstrated that the roof was not strong enough to support modern cooling equipment, fans, and elevator shaft.

In early 1990 new plans were unveiled and controversy once again flared up. The developers, Coopdev Inc., had enlarged the penthouse and expanded the glass addition from three to seven storeys. According to the consortium, the extra space is needed to make the project economically viable to recover an unexpected \$10 million in construction costs. As well, Coopdev proposed that the clear glass windows (an integral feature of the building) be replaced by green glass for aesthetic reasons and energy conservation. NCC approval of these changes ignited cries of outrage from the heritage community. This was to no avail as the City, which issues the building permits and considers overall design ap-

proval on the project, also passed the changes.

Meanwhile, interior gutting and other work continued until the developers dropped yet another bombshell: the original Rideau Street portion of the building (about half of the entire structure), they said, should be demolished and replaced with a replica. Coopdev said they uncovered major structural problems and also discovered that the façade stone was in poor condition.

Accusations of mismanagement and inflexibility flew between heritage groups, the NCC, and the developers. Jim Colizza, chairman of the Ottawa Local Architectural Conservation Advisory Committee (LACAC), feels it was "irresponsible of the developer not to have checked this out earlier." Tearing down even half the building, he further noted, would violate the rules, "that everyone going into the game knew."

Strong Reaction

Heritage Canada entered the fray when Jacques Dalibard commented on this latest threat at a hastily-called press conference. Although Heritage Canada does not normally enter into controversies on local buildings, he felt that Heritage Canada could not remain silent over so significant a structure as the Daly Building. He exhorted the NCC not to hide behind the developer, and let it do the "dirty work" but to exercise its duty to protect heritage buildings under its ownership. Dalibard feels that the focus of heritage preservation battles should be taken off the developer and put onto an effort to create strong protective legislation and foster public involvement in preserving our heritage buildings.

In the end, the NCC has hired its own experts to evaluate the building. All interested parties are now waiting to hear how the NCC and Coopdev will respond to one of the reports which has advised that the façade can indeed be saved. Stay tuned for the next installment in this decade-long controversy.

Kingston, Ontario —

Development at Princess & King Still Problematic

Controversy continues to hover over the corner of Princess and King Streets in Kingston, Ontario. In 1988 a Toronto developer demolished two buildings (considered fine examples of pre-1850 commercial buildings) without a permit while heritage supporters, concerned citizens and a city building inspector stood by helplessly.

The new site owner, Dacon Construction Limited, agreed to incorporate a façade, the only structure left on the site, into their proposed five-storey building. However, this

spring the company said the façade was in very bad shape and could not be used. The city's Local Architectural Conservation Advisory Committee (LACAC) agreed to let the storefront come down — very carefully, brick by brick. The salvaged materials will be used in the reconstruction.

Dacon has also implied that it wants the heritage designation removed from the site. The company's architect, Al Cromarty, said that the resulting building would be a, "new building with old materials built to look like an old building . . . it falls into the category of a new building." However, LACAC has advised that leaving the designation on will give the city a greater say in development on the site and would mean any future projects there would have to come before LACAC.

HERITAGE REGIONS

Six Driving Tours Designed for Lanark Project

By Cynthia Stacey

■ There is a saying that a camel is a horse designed by a committee. For those who depend on the camel for desert travel, the committee approach yields excellent results.

In the Lanark Heritage Region the appointment of a special committee, indeed, proved to be the most effective way to design six interpreted driving tours for the area.

Lanark County is one of three areas in Canada to pilot the Heritage Regions programme of Heritage Canada. Selected for the wealth and variety of its natural, built and ethnocultural heritage, the Lanark Region is striving to identify, enhance and market its resources so that the area will flourish both socially and economically. At the same time, efforts will be made to safeguard the environment.

One of the ways the local steering committee for the project chose to encourage people to visit the region and gain an understanding and appreciation for the area during their stay was through interpreted driving tours. A committee of six residents from the 3,000 sq. km. region was charged with the task of developing the tours.

The committee started the design process by dividing the region into



The Mill of Kintail, a landmark outside Almonte, is featured in one of the Lanark heritage driving tours.

five areas and touring these areas with the help of a long-time resident in each place who was very familiar with its history as well as its known and not-so-well-known features.

During these trips the committee visited sites, traveled most of the roads in the area, talked to residents, checked for picnic and washroom locations, measured distances, admired the scenery and took lots of notes. The tour committee also completed inventory sheets for each municipality during their excursions which outlined historic sites, natural features, accommodations, dining and recreational facilities, retail businesses, churches, cemeteries and artists' studios. Once the research was completed, six tour areas and suggested routes were mapped. Committee members then held trial runs and wrote interpretive texts for a tour brochure.

High-tech Tourism

Through a happy coincidence, the Lanark Project was able to link up with a pilot project initiated by the Department of Energy, Mines and Resources directed toward utilizing their data files for tourism purposes. This project led to the development of a computer-generated map com-

bining topographical and highway information and the six tour routes. The user will have not only highway information but also will be able to see the type of terrain associated with each of the tours without reading the interpretive text. The use of the computer also eliminated the need for costly art work.

To further ensure ease of use, symbols pertinent to a particular interest were designed to accompany the text. In the brochure these symbols are positioned so the user merely has to refer to them to find a special interest locality such as antique shops, picnic sites or maple syrup operations.

The ideas, opinions and knowledge that each of the committee members brought to the development of the Lanark Heritage Region driving tours have resulted in a "camel" worthy of guiding residents and visitors alike through a unique part of Ontario in a fun and informative manner. Never underestimate the abilities of a committee.

Information about the process or copies of the brochure can be obtained from: Cynthia Stacey, Lanark Heritage Region, Box 668, Almonte, Ont., KOA 1A0, Phone: (613) 256-1978, FAX: (613) 256-2989.

MAIN STREET

Main Street Means Business

■ In about a year from now, Heritage Canada's contract with Industry, Science and Technology Canada will be completed. This 1984 agreement gave the Main Street Canada programme the means to

expand from seven to seventy communities across the country, and to help revitalize these communities by "promoting business and industry development" in their downtown cores.

Heritage Canada is well into the next phase in the Main Street programme, a phase which will see more partners and a more market-driven approach. A campaign with the theme, "The Heritage Canada Main Street Programme Means Business," launched in June, offers a direct invitation to communities across Canada to join the Main Street network. No more than twelve communities will be selected this year.

The Main Street Canada approach is quite simple. In short, it is a community-based process for economic, social, cultural and environmental development. The impact begins downtown and can grow to include an entire town, city or region. For \$50,000, per year, Main Street's proven revitalization process will provide the framework, the expertise and the technical know-how to develop a broadly-based community vision. It will also translate this vision into strategies, actions and results. The community provides a



local revitalization coordinator and office.

In practical terms, the Main Street process, over a three-year period, helps a community meet its revitalization objectives by:

- Facilitating local workshops and seminars to create a revitalization vision and strategies.
- Sponsoring a Resource Team to assist in the analysis of local opportunities and constraints.
- Creating a community-based action plan built on the proven Main Street approach.
- Training a local coordinator and local leaders in revitalization techniques.
- Supplying the community with a wide range of revitalization reference materials.
- Providing full-time professional programme supervision, qualified consultation on a variety of specific problems and a comprehensive monitoring and evaluation system.
- Assisting each community to show visible improvement in the first year.
- Undertaking a mid-project evaluation.

- Furnishing each community with a wrap-up report, project evaluation and strategies for sustained development.

The programme's forte is its ability to build on local strengths and resources. Public involvement provides community leaders with the political support necessary to sustain long-term strategies.

Impressive Results

The results have been impressive. Main Street communities have used this process successfully to reverse economic and physical decline; many have been able to tackle the problem of rural depopulation. Moreover, Main Street communities have filled vacant storefronts, stimulated private investment, restored buildings and revived community pride and initiative. With the help of the Main Street programme, "Main Street" does indeed mean "business" on scores of main streets from coast to coast.

If your community would like to be considered for the Main Street programme, contact: Heritage Canada, Box 1358, Stn B, Ottawa, Ont., K1P 5R4 (613) 237-1066.



A National Dream?

The Alexander Mackenzie Voyageur Route

By John Woodworth

Pierre Berton's *The National Dream* celebrates the building of the CPR, Canada's first "sea-to-sea" railway. But there was an earlier Montreal-Pacific connection - the Northwest Company's "voyageur route" to Fort Chipewyan coupled with Alexander Mackenzie's 1793 zig-zag exploration through the Rockies to the ocean.

To recognize the bicentenary of Mackenzie's "first crossing", comes a far-sighted proposal from B.C.'s 200-member Alexander Mackenzie Trail Association (AMTA).

"Why not", they say, "compensate for our painful 1990 constitutional upheaval with the commemoration of the Mackenzie explorations in a six-province, sea-to-sea heritage "trail"? AMTA's preliminary polling suggests the name Alexander Mackenzie Voyageur Route. It's akin to the USA's successful 11-State Lewis and Clark Trail, but our dates are earlier and our route is much longer. And our trail is uniquely Canadian, since it stems from prehistoric native canoe routes and French Canadian fur trade explorations.

"And," says AMTA's theme, "... we're already halfway there." In moments a list of prominent en route heritage sites come to mind - Lachine, a National Historic Site; the Mattawa and French Rivers, designated Heritage Rivers of Canada; Sault Ste Marie, fur trade hub; Old Fort William, Thunder Bay's authentic Norwester headquarters; Lower Fort Garry near Winnipeg, another hub. Further west, 800 km. of Saskatchewan's Churchill River and lakes, plus Methye Portage, and another Heritage River, the Clearwater. Alberta is rebuilding Fort Dunvegan on the Peace River. Then there's B.C.'s 500 km designated Alexander Mackenzie Heritage Trail to Bella Coola. These well-known gems, and 30 to 40 others that AMTA has identified, when strung together will make a glittering necklace to remind Canadians of our "sea to sea" origins, and to draw the world to share our unique history.

AMTA's idea could be a nation-builder, too. The pioneer families and historic sites along this route from the St. Lawrence to the Pacific reflect its progenitors - native, French, Scotch, English. Then

IMPACT

IMPACT is published six times a year by Heritage Canada and is available by subscription at \$15 annually.

This publication encourages the reproduction of its contents in order to extend the heritage network. Bylines must be retained and the credit should read: "From IMPACT, (date of issue), a publication of Heritage Canada".

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HERITAGE CANADA

Heritage Canada was incorporated in 1973 as a non-profit, charitable organization. We are in the business of connecting people and places, of helping Canadians appreciate their multi-sided identity.

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ISSN # 0840-9676

there's the Ottawa River section, where Quebec and Ontario each share a side. Here also, at Canada's capitol, Chaudière rapids was a major portage for the voyageurs.

To help make this national dream a reality, contact the Alexander Mackenzie Trail Association, Box 425, Station A, Kelowna B.C., V1Y 7P1. Tel: (604) 762-4241. Fax (604) 861-5047.

SOURCES & RESOURCES

Slate Roofing

Renewed interest in slate and other historic building materials has been stimulated by the recycling of commercial and government buildings as well as the interest in renovating older homes. To aid renovators and restorers *Slate Roofing in Canada* by Mary Cullen discusses the rise and decline of the material, touches on construction techniques and lists original and present-day slate sources.

Preservationists will find the book's historic Canadian perspective helpful in the evaluation and treatment of building components.

Abundantly illustrated, *Slate Roofing in Canada* can be ordered for \$10.25 plus a shipping fee of \$3.50 from the Canadian Government Publishing Centre, Ottawa, Ontario K1A 0S9.

Landscape Architecture

The Landscape Architecture Program, University of British Columbia has published *Heritage Landscapes in British Columbia: A Guide to Their Identification, Documentation and Preservation* by Douglas D. Paterson

and Lisa J. Colby. The research, production and free distribution to over 300 B.C. communities and heritage planning societies of the 84-page 1989 booklet was supported by grants from various provincial organizations, notably B.C. Heritage Trust.

The authors hope the booklet will not only increase the general awareness of the importance of heritage landscape preservation but will also give communities and interest groups a sense of how to begin the process of preserving heritage landscapes. The booklet lists sixteen types of heritage landscapes found in the province. Preservation design guidelines are also described, as well as criteria for assessing the heritage landscape, how to develop and implement a heritage landscape plan, and the procedure for documenting and inventorying such a landscape.

A resource list of research facilities, texts, periodicals, organizations and agencies supporting landscape preservation is also included. A sample form is appended to help groups set up overview and detailed surveys of local and regional heritage landscapes.

For a \$10 administration and postage fee, copies are available from: Landscape Architecture Program, University of British Columbia, 148-2357 Main Mall, Vancouver, British Columbia V6T 2A2.

CALENDAR

September 8-9

The Association for Preservation Technology (APT) and the American Institute for Conservation (AIC) will hold a Symposium on Museums in Historic Buildings. The objective of the symposium is to arrive at a series of guidelines for consideration when accommodating museum functions in historic buildings. Contact: Héritage Montréal, 406, est Notre-Dame, Montréal (Québec) H2Y 1C8 (Tel: 514-842-8678, fax: 514-842-8670).

NOTICE

As Canada's only national preservation newsletter, *Impact* is an important vehicle for the exchange of information on heritage issues and activities. Heritage Canada has distributed *Impact* to its member groups as a membership benefit since January, 1988. Following the recent reorganization of the membership programme, the \$35 fee for group members has been reduced to \$20 and *Impact* is now available by subscription for \$15. Free introductory subscriptions to individuals end with this issue.

The fee is low to enable as many individuals and groups as possible to receive *Impact* six times a year. Your continued support is appreciated. Please subscribe to *Impact* today!

YES! I want to subscribe to *IMPACT*.

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9k

In 1933, Eric Arthur, Professor of Architecture, concerned about the continuing loss of important Ontario buildings purchased for less than \$4000 the Barmum House in the Village of Graton. He then telephoned and met with a group of equally influential citizens including Vincent Massey, William Cavithra, The Reverend Henry Cody, Dunnington Gub, Robert Laidlaw, Gerald Larkin and others who backed his purchase and subsequently formed the Architectural Conservancy of Ontario.

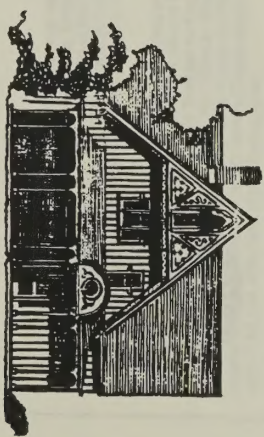
The Barmum House, the signature as it were of the Architectural Conservancy of Ontario, is illustrated on the cover of this brochure.

In 1984 ownership of the Barmum house was transferred to the Province of Ontario.

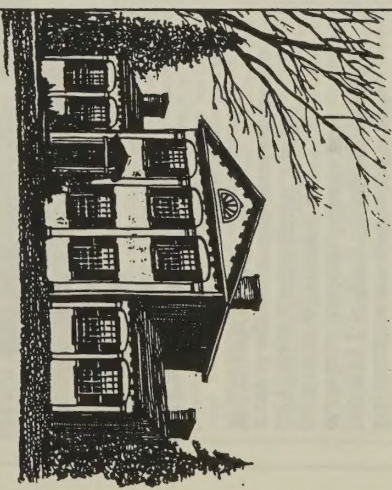
More recently, Council of the Architectural Conservancy of Ontario has undertaken the purchase of properties and assisted private owners of designated heritage buildings by means of grants and loans from its provincially supported HERITAGE FUND.



The Yonge Street Meeting House - 1812



Don Head Farmhouse - circa 1870



The Architectural Conservancy of Ontario Incorporated

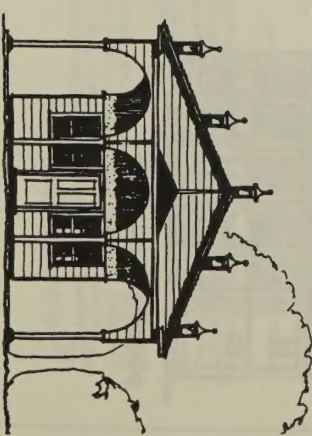
The Architectural Conservancy of Ontario was incorporated to preserve the best examples of architecture in the province and to protect its places of natural beauty

The history of architecture in Ontario is unquestionably short when compared to that of Quebec and the New England States. It was not until the arrival of the United Empire Loyalists in the 1780's that the settlement of Upper Canada began in earnest. The Loyalist and Georgian structures of 1780 and 1835 are considered early.

Architectural merit however, does not depend upon age or style. The preservation of our heritage from all periods is the aim of the Architectural Conservancy.

The Architectural Conservancy was formed by a group of public-spirited citizens who were concerned by the increasing loss of fine buildings across the province.

Whether it be through the demolition or unsympathetic alteration of significant buildings or the intrusion of unrelated new building forms disrupting places of natural beauty, the Conservancy strives to prevent further destruction of our built and natural heritage by encouraging the retention and thoughtful re-use of existing structures.



The Study, Sharon Temple - 1829

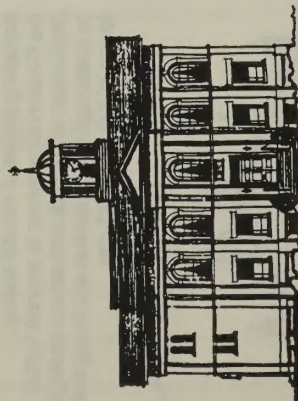
The Council of the Architectural Conservancy of Ontario meets monthly. It is made up of volunteer officers and representatives of the regional branches.

The Advisory Board, upon request, will give general advice and assistance to persons and committees (i.e. LACACs) in the correct procedures of conservation, legal listing, designation, renovation and restoration.

Members of the Advisory Board include architects, engineers and planners who volunteer their expertise.

Requests for assistance or information on this service should be addressed to:

The Advisory Board
The Architectural Conservancy of Ontario
Ontario Heritage Centre
10 Adelaide Street East, Suite 204
Toronto, Ontario M5C 1J3



DUNDAS TOWN HALL - 1849

ACO Branches have been established in many parts of Ontario. All Branches have volunteer executives. Their programmes are dedicated to the promotion of the objectives of the organization.

The Branches are continuing the work begun by Eric Arthur through inventories of heritage buildings, lectures and tours relating to historic and contemporary architecture, and the study of regional architectural expression and Ontario styles.

Quinte Region
Port Hope
Durham Region
Toronto Region
Hamilton-Niagara Region
Heritage Cambridge
North Waterloo
Brant County
Oxford County
London Region
Huron County

If you are an individual, group, or firm who wishes to support the ideals and activities of the Conservancy, and to follow its work without actively participating, you may become a SUSTAINING MEMBER.

Your membership fee of \$25 will assist us to continue the work of the Advisory Board, expand our Monograph services, and bring you our publication ACORN three times each year as well as notice of our Annual General Meeting.

The ACO publishes three issues of its newsletter ACORN each year. Articles may be submitted to the Editor through the Ontario Council office at Toronto.

Current and back issues of the ACORN are available through the Ontario Council office at the Ontario Heritage Centre at Toronto at a cost of \$5 per issue.

ACO Branches hold regular meetings, at which time speakers present illustrated talks on current topics.

Many Branches actively strive to influence political decisions affecting our architectural heritage and increase public awareness of threatened architectural landmarks and heritage issues.

Branches organise tours of local heritage buildings and districts for members and the interested public.

Branches publish regular newsletters covering issues of interest to members such as local meetings, tours and events.



Membership Application

The Architectural Conservancy of Ontario

Name (please print)

Address

Postal Code

Telephone

Please note the Branch you would be interested in joining

Please detach and mail the completed form to:

The Architectural Conservancy of Ontario Incorporated
Ontario Heritage Centre
10 Adelaide Street East, Suite 204
Toronto, Ontario M5C 1J3

Crooks' Hollow Historical Trail West Section

91

on the same side, he built a cooperage, a general store, a blacksmith shop, a hoe and scythe factory and linseed oil company. Downstream he built a lannery. Up at the top of the waterfall he built a sawmill. By 1850, "Crooks' Hollow" was one of the largest industrial communities in Upper Canada.

James Crooks went on to other projects including an idea to extend the Desjardins Canal west to the Grand River, operating the schooner "Jane" from Dundas to Kingston and acting as the jury foreman for the "Bloody Assizes" held in Ancaster. He also built a large home on the ride overlooking his valley. In 1860, James Crooks died at the age of 82; his wife died the following year.

Following his death, many people left the community and many of the businesses were abandoned and later torn or burned down. By the end of the 19th century, little remained of the "Crooks' Hollow" community.

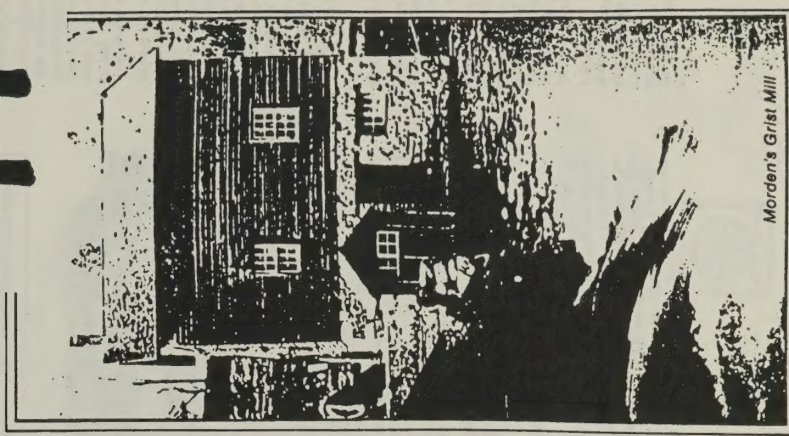
Go across the bridge to the commemorative plaque.

11 First Paper Mill

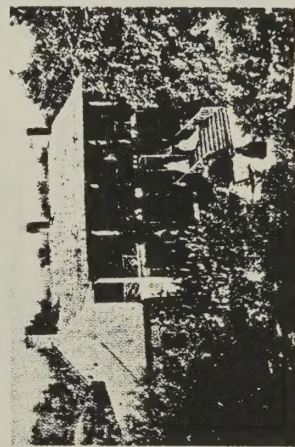
On the opposite side of the bridge to the grist mill was the location for several log cabins built by Crooks for his workers in 1840. Only one remains as a small private residence. It was near to this house that Crooks built Upper Canada's first papermill in 1826. It operated until 1875 when it was destroyed by fire. Running parallel to the laneway into the house, the original sluice channel which brought water to this papermill and was operated with an undershot waterwheel, can still be seen. There had been another dam built underneath this bridge in order to divert the water into this other sluice channel.

The large red brick house on the opposite side of the road is the residence of James Stutt Sr. who built it in 1870. It was later used by his son, William Stutt. Notice the stone carvings on the third store gate post of the Stutt residence. William Stutt was a prominent Mason in the area and these are Masonic markings which had been included in the original Darnley Gristmill by James Crooks, also a Mason.

The trail ends here. Return along the Crooks' Hollow Road to the parking area.



Morden's Grist Mill



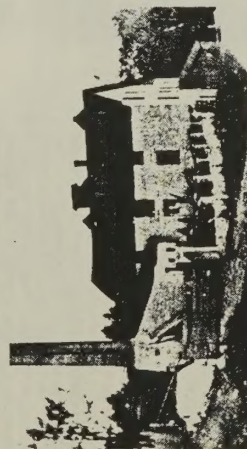
James Crooks' Residence—After completing the Trail drive along Crooks' Hollow Road, past the Darnley Mill ruins, to the site where this lovely old home once stood on the corner at Highway #8.

In later years after 1865, the original mill changed owners and the overshot waterwheel was replaced by a smaller iron turbine which rested on its side. The water was directed towards the turbine located in the basement by means of a long wooden pipe held together by iron rings called a penstock. This location marks the beginning of the penstock pipe and the remains of a later version of the sluiceway.

Proceed towards the road and mill ruins.

9 Darnley Grist Mill/ Stutt Paper Mill

The DARNLEY GRIST MILL was started in 1811 by James Crooks who named it after an ancestral hero, Lord Darnley of Scotland. In 1813, Crooks left the British Army and completed his mill. The mill was originally square in shape with three levels. The large wall across the centre of the present structure at one time was the outside wall of the mill. The mill contained four run or sets of grindstones to produce various grades of flour or meal.



Stutt's Mill

After Crooks' death in 1860, the mill was sold to JAMES STUTT and ROBERT SANDERSON who converted it into a papermill, adding the extra room closest to the stream to hold the turbine in the basement as well as providing for the large storage vats for the raw paper or pulp. After Stutt bought out Sanderson in 1880, he added a steam boiler building for heating the water for papermaking and for auxiliary power. On July 9, 1885, the boiler exploded causing much damage and killing two men. The mill was rebuilt and operated until 1902 when WILLIAM STUTT succeeded his father as owner. William Stutt leased out the mill to the Adams Celboard Company and later the Greensville Paper Company in the 1920's and 30's. In 1931, concrete was used to replace the wooden floors. In 1934, the mill was gutted by fire and left in ruins. The H.R.C.A. purchased the mill in 1969.

From the mill turn and look across the road.

10 Village of Crooks' Hollow

Across from the Darnley Mill marks the location of several industries built by James Crooks in the period from the 1820's to 1850's. Located where the small cottage is, was the distillery that he built. Going up the road

5 Crooks' Original Dam

As there was a waterfall upstream from his proposed dam with the surrounding dikes ridges of land can be seen. The old stone dam and the millrace through which the water still flows in the summer is still evident. The original millpond occupied much of the area between the present Christie Dam and the original dam structure.

Proceeding across the present Christie Dam, his original dam with the surrounding dikes ridges of land can be seen. The old stone dam and the millrace through which the water still flows in the summer is still evident. The original millpond occupied much of the area between the present Christie Dam and the original dam structure.

Walk across the Christie Dam to the opposite end.



Crooks' Original Dam

6 Crooks' Original Homestead c 1813

On this level area, it is believed that James and Jane Crooks built their first house overlooking his millpond.

Proceed down the hill towards the Spencer Creek.

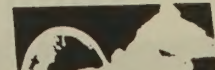
7 Sluice Beginnings

In order to get the water from the millpond to the mill without having it go over the waterfalls, Crooks built a narrow ditch or sluice. Little remains of the sluice at this point other than to notice that the area on the water side of the large willow trees is much lower. On the hill behind the sluice, Crooks built a woollen mill in the mid 1840's. Follow the original sluice route away from the stream.

Follow the trail along spillway to waterfall.

8 Water Control Devices

Water travelled through this sluice or ditch from the pond around the waterfalls and on towards the mill. Near the river gorge, the water flowed through a wooden trough or flume and emptied on to the top of the overshot waterwheel attached to the side of the mill. In order to control the water, sluiceways such as this one were installed in the water route, often at the mill and some were along the water course.



Acknowledgements

The **CROOKS' HOLLOW HISTORICAL TRAIL** will be a self-guiding trail which begins at Webster's Falls on Spencer Creek, then follows along the creek to Christie Dam in the Christie Conservation Area. The trail will be in three sections:

East Section—the Webster's Falls area, including Bullock's

Corners.

Central Section—the Greensville area.

West Section—the Morden's Mills and Crooks' Hollow

Community.

This trail brochure represents the West Section only.

Trail guides for the other sections will be available from the Hamilton Region Conservation Authority offices, 638 Mineral Springs Road, Ancaster.

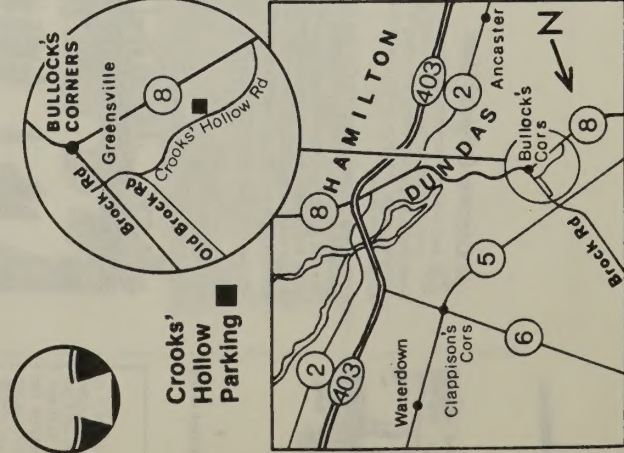
The trail was developed by John H. Aikman, Board of Education for the City of Hamilton, assisted by Jennifer Legault, Mohawk College, in cooperation with the Hamilton Region Conservation Authority.

Illustrations and map by Patricia Green.

Typing by Janice Twelves.

For further information on this and other trails of the H.R.C.A., contact:

HAMILTON REGION CONSERVATION AUTHORITY
BOX 7099, ANCASTER, ONTARIO L9G 3L3
(416) 525-2181



5 Crooks' Original Dam

As there was a waterfall upstream from his proposed millsite, Crooks decided to construct a dam, millpond, dikes, and millrace above the falls in order to provide a greater power potential for the overshot waterwheel that he intended to use.

Proceeding across the present Christie Dam, his original dam with the surrounding dike ridges of land can be seen. The old stone dam and the millrace through which the water still flows in the summer is still evident. The original millpond occupied much of the area between the present Christie Dam and the original dam structure.

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Proceed down the hill towards the Spencer Creek.

7 Sluice Beginnings

In order to get the water from the millpond to the mill without having it go over the waterfalls, Crooks built a narrow ditch or sluice. Little remains of the sluice at this point other than to notice that the area on the water side of the large willow trees is much lower. On the hill behind the sluice, Crooks built a wooden mill in the mid 1840's. Follow the original sluice route away from the stream.

Follow the trail along spillway to waterfall.

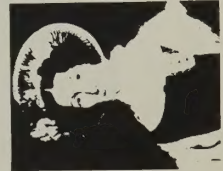
8 Water Control Devices

Water travelled through this sluice or ditch from the pond, around the waterfalls and on towards the mill. Near the river gorge, the water flowed through a wooden trough or flume and emptied on to the top of the overshot waterwheel attached to the side of the mill. In order to control the water, sluiceways such as this one were installed in the water route, often at the mill and somewhere along the water course.

James Crooks

JAMES CROOKS, born in Kilmarnock, Scotland in 1778, left there in his early teens to join his older brother, Frances, in operating a general store at Fort Niagara. Later joined by another brother, William, James petitioned the governor of Upper Canada for land at Newark (Niagara-on-the-Lake). In 1807 he set up a general store and the following year married **JANE CUMMINGS** and settled down to raise a family. In order to assist them in getting supplies to Newark from Kingston, the Crooks brothers had a small schooner built called the "**LORD NELSON**". The brothers also began to amass various parcels of land together across Upper Canada. James and Jane purchased 400 acres of land in this area from the Hon. Peter Russell on either side of the Spencer Creek and west of the Morden holdings. Their intention was to build a grist mill for the grinding of grain into flour. This mill was begun in 1811.

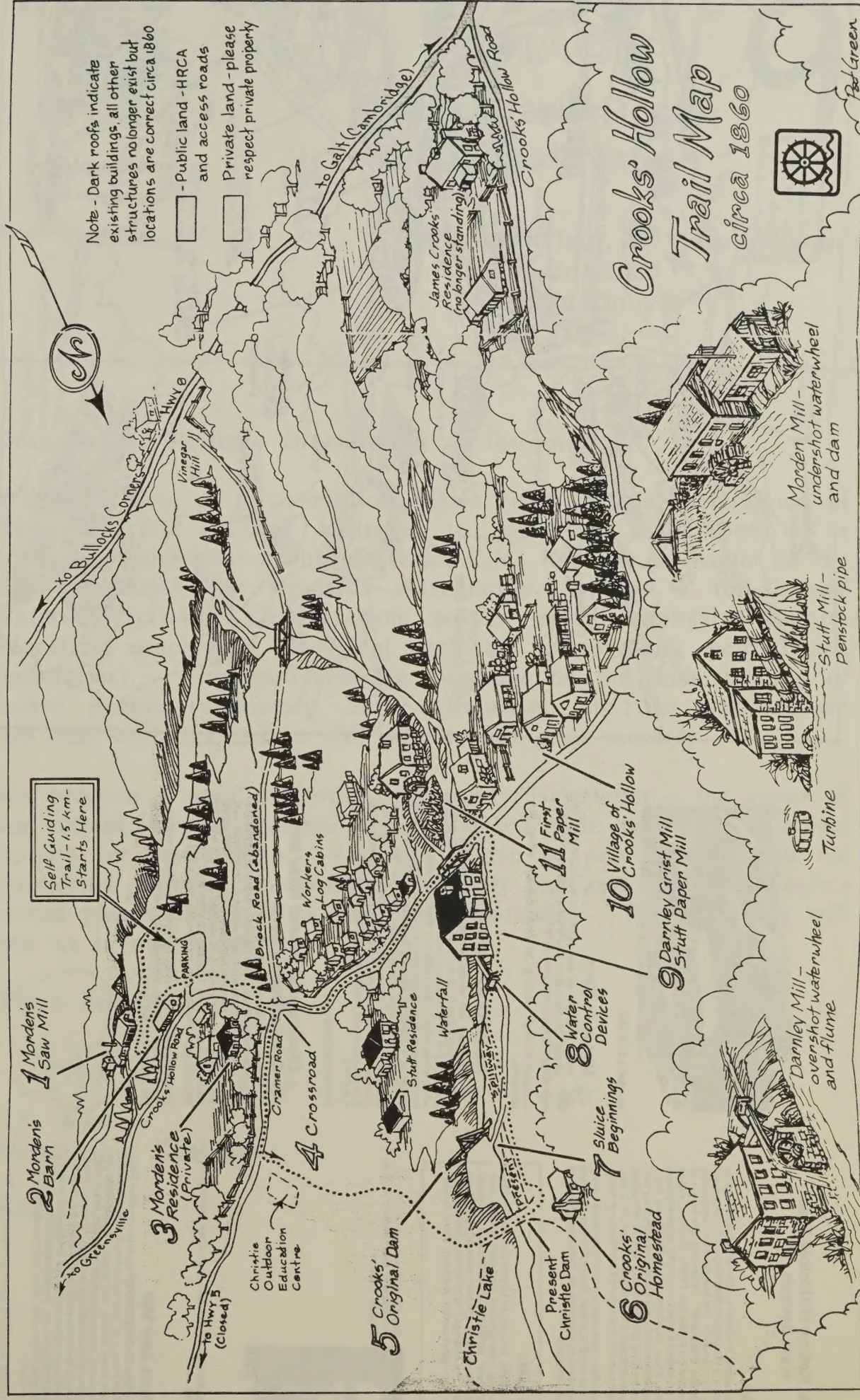
When war broke out in 1812, James returned to Newark to fight with General Isaac Brock. Captured by the Americans, Crooks escaped back to Newark only to learn that his house had been destroyed by the U.S. Navy. The ship was renamed the "**U.S.S. SCOURGE**" and it, along with other American ships, formed part of the American naval force on Lake Ontario. On August 8 and 9, 1813, the **SCOURGE** and another ship, the **HAMILTON**, were sunk in a violent storm on Lake Ontario. Crooks and his family now left Newark and came to this area to begin his life again and to complete his grist mill.



Jane Crooks



James Crooks



Note - Dark roofs indicate existing buildings, all other structures no longer exist but locations are correct circa 1860

Public land - HRCA and access roads

Private land - please respect private property

Crooks' Hollow Trail Map circa 1860



Self Guiding Trail - 1.5 km - Starts Here

1 Morden's Saw Mill

2 Morden's Barn

3 Morden's Residence (Private)

4 Crossroad

5 Crooks' Original Dam

6 Crooks' Original Homestead

7 Sluice Beginnings

8 Water Control Devices

9 Darnley Grist Mill

10 Village of Crooks' Hollow

11 First Paper Mill

Morden Mill - undershot waterwheel and dam

Stult Mill - Penstock pipe

Turbine

Darnley Mill - overshot waterwheel and flume

Pat Green

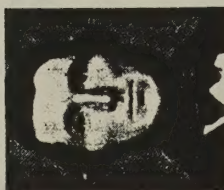
Crooks' Hollow Historical Trail West Section

Introduction

Nestled in a small valley, through which the Spencer Creek flows on its journey to the edge of the Niagara Escarpment north of Dundas and Hamilton, lies the pioneer community known as "CROOKS' HOLLOW". Following the close of the American Revolution in the late 1700's, Upper Canada became a haven for United Empire Loyalists escaping from the United States, many of whom made their way from Niagara to the western end of Lake Ontario where they had been granted land by King George III of England. Attracted by the potential water power offered by the Spencer Creek, many early settlers came to this area of Flamborough West. It was to this particular area that two early families came, the **MORDENS** and the **CROOKS**. This historical trail will trace the development of this area by these two families and others which followed.

Morden's Mills

GEORGE MORDEN, arriving in Upper Canada in 1797 from Pennsylvania, was granted land east of here near Greensville. His son, **JONATHAN MORDEN**, a sawyer by trade, wished to establish his own sawmill. Needing a source of power, he arranged to purchase 200 acres of this land from its original owner, the Hon. Peter Russell in 1799.



Jonathan Morden—
Established first known mill in
Crooks' Hollow

Start in the Crooks' Hollow Conservation Area parking lot and follow signs.

1 Morden's Saw Mill

In 1801, **JONATHAN MORDEN** constructed the first saw mill on the upper section of the Spencer Creek. Building earthen dikes across the creek, he was able to force the water over a stone dam built between them and through the opening once called a millrace. Several of the plants used to hold back the water at the millrace can still be seen. The mill was powered by an undershot waterwheel. In the late 1850's his son, **JAMES MORDEN**, added a grist mill to the site. Both mills were destroyed by fire in 1905 and left in ruins.

Continue your route up the hill towards the parking lot.



Morden's Saw Mill

2 Morden's Barn

These ruins are all that is left of the foundation of James Morden's barn where the horses used to haul logs around the sawmill yard were kept.

Proceed through parking lot and continue along the fence line.

3 Morden's Residence

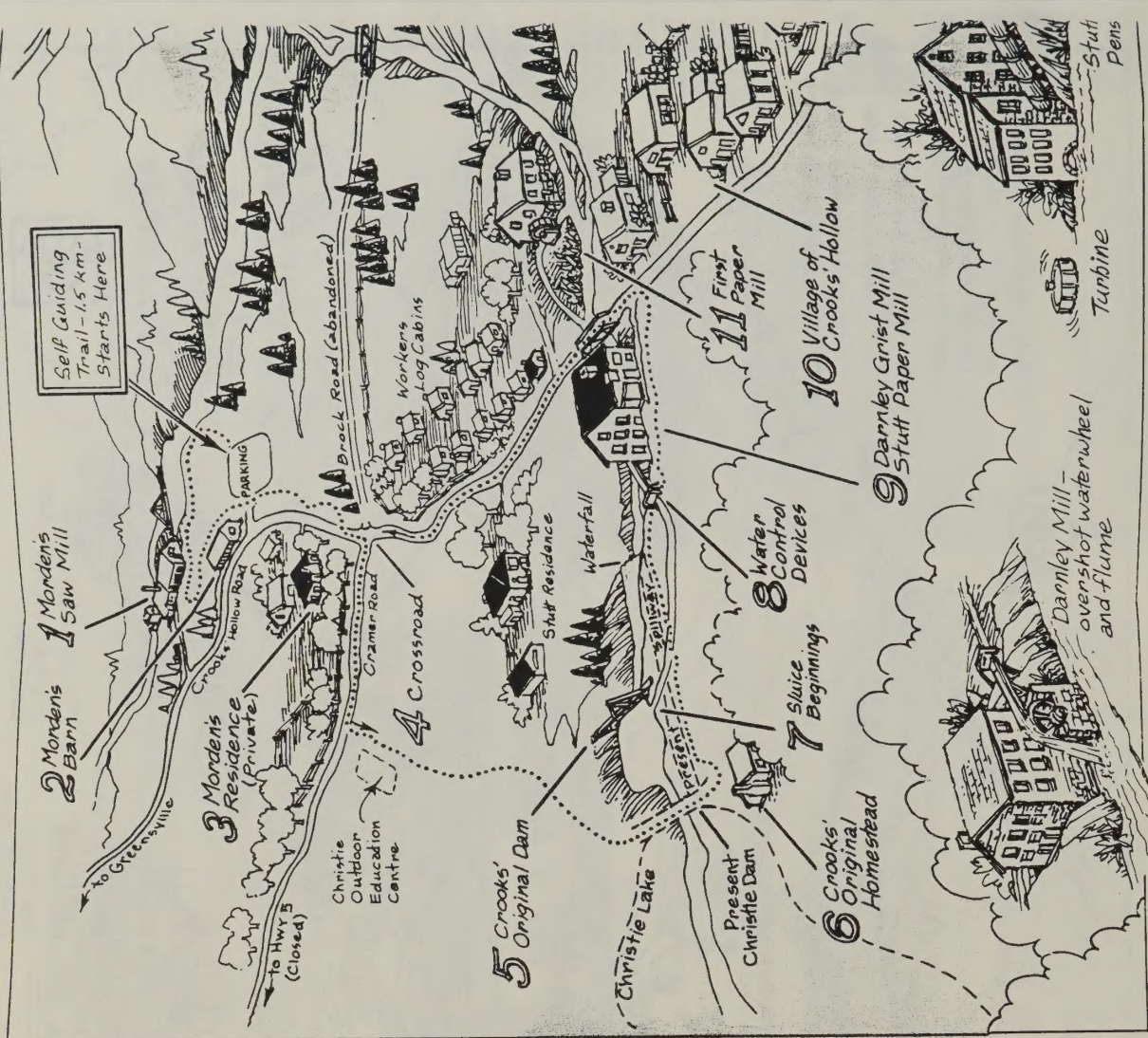
Although not Morden's original house, this stone building was built by James Morden for his father around 1813. The Mordens lived in this house until 1904 when it was sold to **WILLIAM** and **SARAH HOPKINS**. The Hopkins were market gardeners and lived here with their daughter, **AUDREY**. Following her death in 1980, the house and property were purchased by the H.R.C.A. The original house is a typical Ontario Style Vernacular Cottage. The dormer was not added until the early 1900's. The house has been designated a historical building by the Flamborough L.A.C.A.C.

Proceed to crossroad.

4 Crossroad of Cramer Road and Crooks' Hollow Road

Originally known as the Brock Road, Cramer Road began on the far ridge of the Spencer Valley at Highway 8 and came down across the creek and past this intersection and on up the hill towards Highway 5. Up until 1899, when the bridge over the creek was washed out, this was the route to Guelph from Dundas. Cramer Road marks the edge between the Morden and Crooks properties.

Proceed up the Cramer Road hill to the second driveway on the left. Walk towards the large Christie Dam and stop at the near end of the dam.



Self Guiding
Trail - 1.5 km -
Starts Here

2 Morden's Barn
1 Morden's Saw Mill

3 Morden's Residence (Private)

Christie Outdoor Education Centre
to Hwy 5 (closed)

Brock Road (abandoned)

4 Crossroad

Cramer Road

Christie Lake

Present Christie Dam

5 Crooks' Original Dam

Waterfall

Shut Residence

Workers Log Cabins

11 First Paper Mill

10 Village of Crooks' Hollow

9 Darnley Grist Mill

8 Water Control Devices

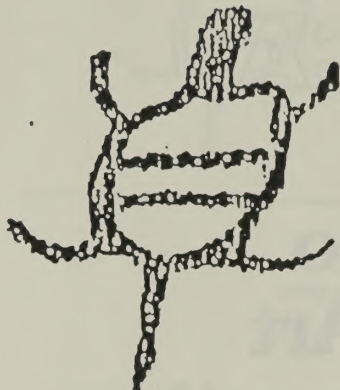
7 Sluice Beginnings

6 Crooks' Original Homestead

Darnley Mill - overshot waterwheel and flume

Turbine

Stut Pens



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Ontario Rock
Conservation

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2nd Floor, 227 Second Street South
P.O. Box 2880
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P9N 3X8

Dear Ontario Heritage Organization or Institution:

We invite you, as an institution whose goals include preservation of Ontario's rich cultural heritage, to join our association as a founding institutional member. O.R.A.C.A., formerly a chapter of the Canadian Rock Art Research Association, is now a full-fledged Ontario Heritage Organization whose aims emphasize public education concerning aboriginal rock art (pictographs, petroglyphs, petroforms). With an increasing emphasis on the understanding of native people (prehistory, multi-culturalism, etc.) in Ontario, we feel that our organization will continue to grow strongly.

We produce a very professional quarterly Newsletter - the cover of our current issue is enclosed - and at \$10 a year; this alone is a real bargain for membership. You would also be part of our goals for promoting public education, sensitivity towards native people's sacred places conservation, and interpretation. We hope you will join us in our efforts.

Yours Sincerely,

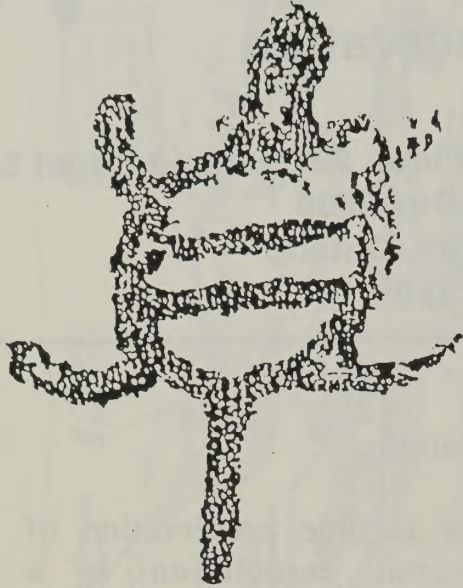
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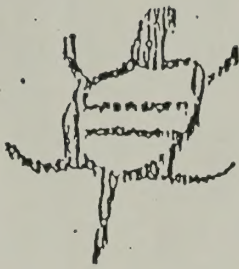
Ontario Rock Art Conservation Association

NEWSLETTER

Spring 1990

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Ontario Rock Art
Conservation Association

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P.O. Box 2000
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ONTARIO ROCK ART CONSERVATION ASSOCIATION

FEE STRUCTURE, FISCAL YEAR 1990

The following fee structure was approved at an Executive Committee meeting held on December 8th, 1989.

Individual.	\$5.00
Student.	\$4.00
Life*	\$75.00
Family	\$7.50
Institutional	\$10.00
Corporate	\$50.00

* N.B. Introductory offer, fiscal year 1990 only.

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See Attached Fee Structure

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